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NON - CIRCULATI

THE

PARLIAMENTARY

REGISTER;

OR,

AN IMPARTIAL

REPORT OF THE DEBATES

THAT HAVE OCCURRED

IN THE TWO HOUSES

OF

PARLIAMENT,

IN THE COURSE OF

The Fifth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.

VOL. III.

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THE

PARLIAMENTARY REGISTER,

DURING THE FIFTH SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

HOUSE OF COMMONS.

TUESDAY, APRIL 9.

PARISH APPRENTICES.

MR. *Wilbraham Bootle* moved for leave to bring in a Bill to amend the state of Parish Apprentices. Formerly the parish children, who were put out as apprentices, were bound either to masters resident in their own or in the adjoining parishes. The overseers appeared to have forgotten, that it was their duty to stand in some measure *in loco parentis*, and to look to the interests of the children when they were putting them out as apprentices. The honourable member here quoted the words of Lord Kenyon, in a case where a foreigner was indicted and found guilty of ill-treating some apprentices which had been bound to him by parishes. That noble Judge reproved most severely the conduct of the overseers in that instance, and said that they had acted contrary to their duty and to the law of the land, in putting seventeen children as apprentices to a man who could neither employ or feed them. Too many overseers appeared perfectly content to get rid of the burden of the children, without caring what afterwards happened to them. In fact, it was impossible that the overseers of parishes in the metropolis could exercise the superintendance which the law required, if the children were to be sent off by 200 at a time to Manchester or Yorkshire to the manufactories; neither

was it likely that the manufacturer who took two or three hundred apprentices could pay that attention to their morals that was due, or in any way stand *in loco parentis*, as the law required the master to do. A very considerable number of children were regularly imported into Lancashire from the metropolis, for the purpose of the manufactories. To remedy the great evil which often resulted from children being thus sent friendless into distant parts of the country, he wished that there should be a regulation that they should not be sent to a greater distance than forty miles from the place of their settlement; at this distance they might be occasionally visited by some of their overseers or by their parents, which would prevent their being ill-treated by their masters. He would wish at least to try the experiment whether employment could not be found for the poor children of this metropolis within the distance of forty miles from it. He should also propose a limitation of the number of apprentices which were to be bound to one man, as it was impossible that in those manufactories where many hundreds of children were taken apprentices, due attention should be paid to each of them. He would also propose, that 40 days should elapse between the time that the child was sent and the completion of the indentures, in order that it should be ascertained what was the temper and character of the master. After a few general observations upon the advantages of regulations similar to those he had mentioned, he moved for leave to bring in a Bill to amend the state of Parish Apprentices. Leave was given, and the Bill was immediately brought in, and read a first time. It was ordered to be read a second time to-morrow, when it is to be committed *pro formâ*, and then printed.

PAY OF NAVY OFFICERS.

Captain Bennet rose, pursuant to notice, to submit a motion relative to the Pay of Officers in the Navy on foreign stations. In consequence of the fluctuation of the foreign exchange, or rather the permanent depression of it against this country, the Officers of the Navy on the Mediterranean station, and at Lisbon, actually suffered a loss of about 30 per cent. on all pay remitted to them. All that he desired, was, that the Navy should in this respect be put on a footing with the Army, and that they should receive their pay at *par*. This question, which was merely brought for the

comforts of the Navy, and was quite abstracted from all party considerations, would, as he hoped, receive the sanction of the House. He understood that it was to be opposed by some of his Majesty's Ministers; but he could not conceive upon what ground, as the matter appeared to him so strictly just and reasonable. He could see no reason why the Officers of the Navy should not receive the same advantages in this respect as the Officers of the Army. He concluded by moving, that the House should resolve itself into a Committee, to take into consideration the Act passed in the 35th of the King, and also to consider whether further allowances should not be made to the Officers of the Navy on foreign service, on account of the loss upon exchange of money.

Mr. Yorke said, that he was convinced that no party considerations were mixed with the present question. Every man must feel for the honour and comforts of the Navy; and in this feeling he partook as much as the gallant Officer, or any other man. The gallant officer must have known, that what he had purposed was not in the power of the Admiralty to do, and that it could only be done by that House. Before he adverted to the situation of Officers employed in the Mediterranean, he should first generally state, that before the year 1795, the Officers, as well as the ship's company, only received their pay when the accounts were closed at the end of the year; but by that Act they were allowed to draw on the Navy Board quarterly for the amount of their pay. Until this regulation, the Officers in the Mediterranean, as well as on other stations, were indeed exposed to considerable hardships, both upon this account and on account of the unfavourable state of the exchanges. In 1800 and 1801 the price of the dollar rose in the Mediterranean and Levant, and the exchange had been sometimes favourable, although he must allow, that for many years back the dollar had been above the *par*, which was 4*s*. 6*d*. and even sometimes rose as high as 5*s*. 8*d*. in that part of Europe. If the motion of the honourable Officer was agreed to, the country would suffer an annual loss of 25,000*l*. for remittances to Officers on the Mediterranean station alone, and similar claims would certainly be put in by Officers on other stations. The common men might also think that they had a right to similar allowances. He hoped that the exchange would not remain permanently

against this country, but that in time it would so far recover that the officers should have nothing to complain of. Besides the loss which he had mentioned, he believed that the officers would draw more bills, if those bills were to be paid at par; and he thought that even the evil which was now complained of might produce in them habits of economy and frugality, when they found that they lost considerably by drawing for money from England. He thought that if the motion was agreed to, it would have a tendency to turn many of our officers into money-brokers. He found himself compelled by his sense of duty to oppose the motion.

Mr. Whitbread hoped that this question might be discussed without any consideration of party. He himself did not wish to oppose himself to the administration of the right honourable gentleman (Mr. Yorke), whose conduct in his department he had always heard spoken of with the greatest approbation. (*Hear! hear! from the Ministerial benches.*) He thought it was due to the right honourable gentleman to say so much in praise of his general administration of the Admiralty, yet in the present instance he must entirely disagree with him. If the present motion had come from that right honourable gentleman, he was sure that it would have been agreed to by the House without any opposition. He could see no reason why the officers of the Navy should not have the same allowances as the officers of the Army. The right honourable gentleman seemed to think that their superior accommodation on board ship, where their lodging and food was provided for them, was a sufficient reason for a difference. He, however, thought otherwise, for doubtless all those things were taken into consideration when the pay of the two services was fixed. As to the chance of the exchanges rising in time, that was nothing to the officers now serving. It was a poor comfort to the officers who are losing 30 per cent. out of their pay by serving their country in the Mediterranean, to tell them that some time or another officers might possibly gain by the exchanges becoming favourable. When the right hon. gentleman said, that *probably* the exchange would again rise to be in favour of this country, he must say, that he could see no such probability. Suppose that an expence would be incurred by this means of thirty or forty thousand a year, he was convinced that it could well be saved on some other part of the Navy Estimates. But if it could

not be saved, still he was sure that the country would never grudge such a sum for the comforts of the Navy, who are in a peculiar degree "the beloved of the nation." He thought the right honourable gentleman's way of teaching them frugality and economy was rather a curious one. To be sure, if from the income of a man that has a hundred a year, you take away thirty, that man is obliged to be economical and frugal in spite of himself. (*A laugh.*) But he did not know what right they had to force people to be economic and frugal in that manner, or why the Naval Officers should be fined in the amount of 30 per cent. on their pay, merely because they are sent to serve their country in the Mediterranean. The right honourable gentleman had seemed afraid that all the officers would turn money brokers, if their bills were payable at par. (Mr. Croker said, across the table, *Not all, but many of them.*) Oh! then, it seemed that the Secretary to the Admiralty did allow that there might be some splendid exceptions of officers who would not be money-brokers. (*A laugh*). He differed from him, however, in this respect, and thought that very few of our naval officers thought of making money by circulating rates of exchange. Their principal calculation of gain was from taking prizes. He hoped the House would do that justice to the Navy which the Ministers did not appear inclined to do in the present instance; and he should wish that the honourable gentleman would take the sense of the House, in order that it might appear who voted against their claim, and who supported it.

Mr. Rose said, that he felt as much for the honour and comforts of the Navy as any man, and had done all that lay in the power of his humble efforts to promote them. He therefore trusted that he should not be considered an enemy to the Navy, although he must oppose the present motion. On some stations the exchange was in favour of the officer, and on the Jamaica station in particular, it had been pretty permanently 12 per cent. in their favour. The calculation of the allowances to be made to the naval officers would be extremely difficult, as there were no pay-masters as in the Army.

Mr. Horner supported the motion, although he was generally in favour of increases of pay and allowance originating with Ministers, and not in that House. He certainly did not think that it would be right to be calculating minute variations of exchange; but that when a very strong

case was made out for relief, as he conceived this to be, he thought the officers should not be permitted to suffer so very considerably.

Mr. Huskisson conceived, that great difficulty would arise, if we were to think of adjusting the pay of officers to the incessant variations of foreign exchange. In some cases it would be equivalent to an advance of 30 per cent. on their pay, to the disadvantage of the country; in some, of course, a diminution. They could not be paid in bullion, without a serious loss in its purchase. The measure proposed would have the effect of introducing a certain kind of money-brokerage into the service. If the measure proposed had any foundation with respect to the officers in the Mediterranean, there was no reason why it should not reach to all officers, naval and military, abroad. The question was connected with that of exchanges, and was extremely extensive. He concluded by recommending the motion to be withdrawn.

Captain Bennet was sorry to see the Navy made victims of the cold-blooded policy of the Cabinet; and there never was a moment in which he more regretted the want of eloquence than the present, to vindicate the character and rights of so many gallant men as were affected by the present system. The question was, however, now decided by the Minister, and borne down by the weight of ministerial influence.

Mr. Whitbread moved the previous question, in order that the subject might be open for discussion after the debates on the Bullion Report and Exchanges.

The previous question was then put and carried without a division.

DISTILLERY BILL.

Sir John Sinclair regretted the appearance of the House, when a Bill of such importance was to come on. The measure would probably be unproductive to the revenue, but would certainly be injurious to the farmer. About 800,000 quarters of barley were used in the distilleries; this would be thrown back on the grower, and the country be so far a loser. The grains applied to the feeding of cattle would be lost. The very manure of those cattle was worth more than 25,000*l.* a year; that would be lost, and no equivalent would be given to the country except a precarious tax, hard to be collected, and of no greater amount

at last than that revenue which was now to be thrown away.

Mr. William Smith had found his former opinions confirmed by the memorial of the London Distillers. The present measure must be injurious to the trade, and, with it, to the community. In the last forty years, there had been but three prohibitions of distillation from corn, and it was always a matter of the most serious consideration. He then entered into a calculation to shew the actual loss sustained by distilling from sugar:—A quarter of barley, at 40*s.* gave nineteen gallons of spirits—it took sixty-six shillings worth of sugar to make the same quantity of spirits: here was an actual loss of 26*s.* on every nineteen gallons. There were about 800,000 quarters of corn used: this cost nearly 1,600,000*l.* It took sugar to the value of about 2,600,000*l.* to make the same quantity of spirits. And was this immense sum to be sacrificed merely as a boon to the West-India grower? But if revenue was the object, there was a more simple mode. He understood, that 1*s.* 9*d.* a gallon was to be laid on the wash. A person of great influence and respectability in the trade had assured him, that if this competition with sugar in the market was done away, the distillers would not be unwilling to pay even 2*s.* 9*d.* on the wash; and there could be no comparison in the collection of that revenue with the difficult and uncertain one which was now proposed. This tax would actually amount to more than was looked to in the present measure. The hon. gentleman quoted the authority of Adam Smith to prove, that to force capital from the culture of corn to the culture of sugar, would be the same as to destroy so much capital. The whole complaint of the West-India proprietors would be remedied, if not in one or two years, in time, if things were left to the regular course. In the five years ending in 1765, the quantity imported and retained for home consumption annually was 997,000 cwt. Fifteen years afterwards it was 1,500,000 cwt. Ten years after it fell to 1,200,000 cwt. In 1795, it was 1,335,000 cwt. In 1806, it was 2,200,000 cwt.; and, in 1808, it was 2,300,000 cwt. The whole import from the British colonies in the year 1808, was 3,600,000 cwt. of which 1,300,000 cwt. were exported, which left 2,300,000 cwt. for home consumption. As neither the demand nor the population and wealth of the country had increased since 1795, in the same proportion of 13 to 22 as the produce of sugar had

done, it was obvious that the effects which had resulted must unavoidably have taken place. The export of sugar had increased in a similar proportion; so that if the growers of sugar produced more of the commodity than there was a demand for, that was not a reason for a total alteration of the system. If the expences of the West-India planter had increased, had not the rent of lands doubled here; had not the taxes been more than doubled since 1795, and had not the currency been as much depreciated here as in the West Indies? The agriculture of this country was not to be saddled with the burthen, for the relief of the West Indies. He was of opinion, that the cultivation of sugar should be kept within the demand. He would admit that the planters raised their sugar as cheaply as they could, but slave labour was much dearer than free labour. This was an opinion recorded by Pliny, Columela, and every writer upon the subject of slavery since their times. It would be absurd, because there be a glut of silk and a scarcity of hemp in the country, to say, that therefore silk ought to be used in making cordage. The principle was the same with respect to sugar and corn. It was the sure principle to manufacture from the cheapest raw material; and if any relief was to be given to the West Indies, he thought it might be done by lowering the duties on sugar, for then the people could eat what they paid for.

Mr. Hibbert observed, that on the average of the last eleven years, a sum of four millions yearly had been paid to the enemy for corn. Last year the sum was seven millions; one year it was ten millions; but on the whole it was forty millions and upwards. All that the West-India proprietors asked was, to be let into one fifth of this sum, and the remaining four fifths would, he contended, be sufficient to encourage agriculture. There was no measure likely to be more effectual than this against the enemy; who never impeded the export of grain nor had any objection to receive our coin and bullion, but rigorously excluded all colonial produce.

Mr. W. Taylor considered the corn laws and the distillery laws as parts of one system of laws. Ever since the revolution, they had been considered in that light. In various periods of scarcity, viz. 1699, 1757, 1795, and 1800, the export of corn was prohibited, as well as the distillation from spirit. He did not wish this country to be dependant on the enemy; and was of opinion, that instead

of interfering with the interests of agriculture, as they would by such a measure as this, they ought to encourage the cultivation of corn.

Mr. Fuller stated the object and intention of this measure to be, to put the two commodities, sugar and corn, grown by British planters in the West Indies and here, on equal terms in the market. It was not in contemplation of the right hon. the Chancellor of the Exchequer to depress either description of planters, or to raise the other.—This was only meant as an experiment for one year. If the colonies were to be ruined, which were so intimately connected with the manufactures, the naval means, and the general prosperity of the country, and the burthen they now bear to be thrown back upon the corn and potato growers, what would become of the country? The French Government knew the value of colonies, and by sending every ship they could, clung to them to the last. Good Good! (exclaimed Mr. Fuller) why do you not see and imitate what has been done in this respect by that wise and able man at the head of that Government? (wise and able he is, but not good, for I believe him to be the greatest villain on the face of the earth.) The conduct of the opposers of this Bill was said to arise from country-gentlemanship; but it might, perhaps, be more appropriately designated Jewishship, viz. that they might get their *shent* per *shent*.

Lord Binning observed, that, notwithstanding all the gloomy predictions of the opposers of this Bill, at the time the measure of 1808 was brought forward, the enterprise of farmers had not declined: and therefore he was of opinion, that the fears of these honourable false prophets were to be received with considerable caution. This measure, as well as that, was founded on the fact of a large importation of corn. No man felt more strongly than he did the claims of the West-India proprietors on the justice of that House. He was persuaded they ought to be let into a competition with the foreign corn-importer. An average of 30*s*. was a considerable price for barley; but 38*s*. was much more favourable to the farmer than 70*s*. to the sugar-planter. He did not think that the barley-growers had much reason to complain; and on the whole he was of opinion that the measure ought to have a trial.

The Chancellor of the Exchequer denied that he had any partiality for sugar more than for grain. Indeed, in a po-

litical view, he might rather be accused of favouring the grain, as it was more productive to the revenue. He denied that this measure would have only the effect of wasting our money. On the contrary, it went to save grain for the consumption of man; it went to encourage our colonies, to increase our seamen, and assist our navy These were the political considerations which he had, in his own mind, balanced against the loss to the revenue, of which this measure might possibly be productive. He should be ashamed to say another word upon a subject, which had been already so often and so amply discussed.

Mr. Marryatt defended the Bill, and denied that it went in the least degree towards the discouragement of agriculture. If he had any bias, it ought to be rather against the Bill, because he was a landholder, and not a West-India proprietor.

The House then divided—

For the recommittal - - -	66
Against it - - - - -	31
Majority - -	35

On our return, we found the House in a Committee on the Bill, which it went through.

HOUSE OF LORDS.

WEDNESDAY, APRIL 10.

In a Writ of Error from the Court of King's Bench, "Hoffman and another v. Ellis," Mr. Abbot was heard for the plaintiffs in error, and Mr. Wilson for the defendants in error. The action in the Court below was on a bill of exchange made payable at a Banker's, and the declaration averred that the bill had been presented "to" the Banker's, according to the tenour and effect of the acceptance. The error assigned was, that it ought to have averred that the bill had been presented "at the house" of the bankers.

Lord Erskine was of opinion, that the averment in the declaration was sufficient, as the proper presentment of the bill must have been in proof, or else the plaintiff below would have been liable to a nonsuit. His Lordship moved, therefore, to affirm the judgment, but on the ground that the plaintiff had sued out two original writs, on two bills

of exchange, when one would have been sufficient to affirm without costs —Ordered.

The Printers' Bill, some local and private Bills, were brought up from the Commons by Sir James Graham, Mr. Shaw Lefevre, and other members, and read a first time.— The Printers' Bill was ordered to be printed.

SPANISH ARMIES.

Lord Boringdon rose, to give notice of a motion, for some day after the recess, for Copies of Communications respecting the efforts made by this Government to induce the Government of Spain to adopt a new organization for their armies, similar to that adopted in Portugal. His Lordship said, he was induced to give notice of this motion, in consequence of the great importance of having such an organization of the Spanish armies, the extreme inconvenience that arose from the want of it, and particularly from the circumstances that had recently happened, more especially the surrender of Badajos, without any adequate reason or necessity. He trusted that some means would be adopted to prevent the recurrence of such disastrous and calamitous events.

The Earl of Liverpool admitted the great importance of a new organization of the Spanish armies, of the necessity of which his Majesty's Government were as much aware as any individual could be. He thought, however, that the making public the communications mentioned by his noble friend might do harm, and could do no good. No effort would be wanting on the part of Government to induce the Government of Spain to adopt a new organization of the Spanish armies, similar to that of Portugal; but it should be recollected, that we had not the same influence in Spain that we had in Portugal, where, from ancient alliances, and a variety of circumstances too obvious to be necessary to mention, our influence was much greater than it could be in Spain.

Lord Boringdon, after what had been stated by his noble friend, declined naming any day for his motion, reserving to himself to bring it on or not as he should see occasion.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 10.

SUPPLY.—ASSISTANCE TO THE PORTUGUESE.

The House having formed itself into a Committee of Supply, and the Message from his royal highness the Prince Regent for assistance to the Portuguese, on account of the distresses suffered by them from the French, having been read,

The Chancellor of the Exchequer spoke in substance as follows:—In rising to call the attention of the House to the gracious Message which has been now read, and to call upon the House to second the views and intentions of his Royal Highness, views not only congenial to his own nature, but to the feelings of the people whom he represents, and whom he governs, I shall have small occasion to trespass long on the attention of the House. There is not, I am persuaded, one man in the country who is not willing to contribute his share to carry into effect this measure, which is equally recommended by considerations of policy and justice. I can scarcely conceive any motive to exist for the assistance of any country, which does not exist on the present occasion. Whether we allow ourselves to be guided by a narrow policy—whether we judge of the measure by the rules of a more enlightened policy—or whether we consider it in the light of a moral duty—all these views combine to recommend it to us for our adoption. If I am asked, what are the motives which call upon us to adopt this measure, I answer, first, the wants of the Portuguese people, and in the second place, their merits. I should wish that assistance should be given to a people who have a claim on our affections, and to a people who will be highly gratified by that assistance; and more than all I should wish it, because I conceive it to be due to our own character. These are motives singly sufficient to influence us, and when combined, ought surely to render the present application successful. I have in my hand an extract from a letter from Lord Wellington to Lord Liverpool, dated the 27th of October last year, immediately after the battle of Busaco, which, with the leave of the House, I shall read, as it throws a particular light on the subject now under our consideration. [Here he read the extract, the substance

of which was, that unfortunately at the time of the French invasion, the harvest of Indian corn, on which the inhabitants principally relied for subsistence, was not carried off the ground, and was almost totally destroyed; that when the French should be obliged to withdraw their army from the country, the greatest distress would be experienced by those parts of it through which they should pass; that as Great Britain had on former occasions given assistance to nations in her alliance, and to this nation in particular, there never was an occasion when, from the sufferings and the merits of the people, that assistance was more necessary; declaring, that he scarcely knew of one instance where even the lowest individual had had communication with the enemy contrary to the duty which he owed to his own Sovereign; and concluding with recommending the Portuguese in a very warm manner to the assistance of Great Britain, when the retreat of the French army should render it necessary.] I will not call the attention of the House to the modesty with which the noble Lord expresses himself on the subject of the French retreat; or to the distinctness with which he had in view that event, as it has since happened. Here there is no anticipation of brilliant victories—no boasting of the destruction of the great armies poured into Portugal—but the contemplation of the evacuation of that country by the enemy, in the manner in which it has actually happened. However, it was not with the view of illustrating the merits of the gallant General that I read the extract from his letter, but for the sake of adducing his testimony to the wants and to the merits of the Portuguese people. I cannot help, however, remarking, that it must be a most gratifying circumstance to those who feel an interest in whatever concerns that noble Lord, to learn that in the midst of those great endeavours which he was then making, in the midst of all the military arrangements with which his time must have been so much occupied, he could spare time to think, and to think deeply, of the necessities and the personal accommodation of the inhabitants of the country which he was so gallantly defending, and that he was not alone considering their present distresses, but that he was looking forward to the day when these distresses would be augmented. But if that distress was a cause and motive of claim at that period, what must it now be? At that time the noble Lord had experienced the merits, and acknowledged the deserts of the

Portuguese. He had then also seen the distresses which they had suffered from the French army, their country the scene of plunder and devastation; but he had not then experienced, as he has recently done, the merits of the military, as well as of the general population; nor had he witnessed the scenes of barbarity which have taken place during the retreat of the French army. The distresses of the Portuguese were now infinitely more severe than at the period when Lord Wellington wrote. Were it only therefore to gratify such a Commander, it might alone be no inconsiderable motive for the House to accede to the present measure; and that this is earnestly wished for by his Royal Highness, is also a circumstance which I have no doubt will operate with the House in its favour. It was no unnatural wish in that exalted personage, as he had been so fortunate during the short period of his administration, as to witness such a variety of instances of the most brilliant and heroic achievements performed by the spirit and valour of his armies—*(Hear!)*—whether we look to the capture of Banda, or the recent almost romantic defence of Anholt—or a more important achievement for the interests of this country, the capture of the Isle of France—or the success which attended the British arms under General Graham, at the battle of Barrosa—or to the last and greatest of all in consequence, the evacuation of the kingdom of Portugal—events which, within so short a space, have accumulated such a mass of glory on the country under the Prince Regent—that his Royal Highness should be glad also to distinguish his administration by a great act of benevolence and national humanity.—*(Hear!)*—The House would be cold indeed if they should refuse to second so generous a wish. This measure will be not merely gratifying to Lord Wellington, but it will be gratifying to the whole English army; for when the English army surrounded Lisbon, it is well known that the support of the English officers to the unfortunate people who were driven to take refuge in that city, was manifested in the most striking manner. *(Hear!)* Surely, then, the representatives of the people of England will not be the last persons to give assistance to their distressed allies. But if this assistance were not equally recommended to us by our interest, our policy, and our duty, it is recommended to us by another most important consideration. By our conduct at this time, we shall not only gain to us the affections of the people of that country, but

the same fate; and there is not an inhabitant of the country, of any class or description, who has had any dealing or communication with the French army, who has not had reason to repent of it, and to complain of them."

He afterwards makes this memorable remark—"It is to be hoped, that the example of what has occurred in this country, will teach the people of this and of other nations, what value they ought to place on such promises and assurances, and that there is no security for life, or for any thing which renders life valuable, excepting in decided resistance to the enemy."

This might be enough to show the odious conduct of our enemy, if it were necessary to do so; but what is wanted is a great and notorious contrast to that conduct, and such a contrast will, I trust, be afforded by the vote of this day. Whatever be the result of the events which have taken place in Portugal; whether the retreat of Massena, according to the expectation of the noble General, shall be a retreat without a return; or whether, as is thought by others, the hundreds of thousands of the enemy's forces shall be soon sent back; or whether any other unforeseen event takes place, this measure will be equally politic. It will show in a decided manner the advantages of British connection compared with French connection. (*Hear!*) But its effects will not be confined to Portugal alone; it will operate generally throughout Europe, and throughout the world. It will show how falsely we have been calumniated, and how little credit is due to the assertions of our enemy. But in addition to this, we have to look to a still higher motive. It will mark our gratitude to the superintending Providence of the great Giver of Victories, who has permitted the spirited valour of our armies to accomplish such brilliant achievements, and in whose sight an act of this nature may prove not unacceptable, and may procure to us a continuance of his countenance and support. (*Hear!*) All these objects combined ought certainly to operate upon us in the strongest manner. It will be difficult indeed to resist the united current of so many motives. From what has taken place in another House, I can only anticipate one objection to the measure—that the sum to be voted is less than the occasion requires.—But I was desirous, in bringing forward a measure of this sort, that a temperate view should be taken; that we should not appear to give away that which was of small value to ourselves, but

that by the manner in which the assistance was given, we should appear sensible of the value of what we gave, and of its importance to this country as well as to the country to which it was given. I hope, then, that the House will have no hesitation in going along with me, in the vote which I am about to move for, namely, that a sum not exceeding 100,000*l.* be granted to his Royal Highness the Prince Regent, towards the assistance of the Portuguese, &c.

Mr. Ponsonby, in seconding the motion, said, that he entirely agreed with the right honourable gentleman, and should most cheerfully concur with him in the measure which he proposed. He thought that measure was due to the spirit of the Prince Regent, and to the magnanimity of Great Britain. (*Hear!*) The measure was not more for the honour than for the interest of the country; and the only circumstance which he regretted was, that the vast expenditure of this country was such that it should limit the assistance to such a small sum.

The question was then put, and agreed to unanimously.

ADDRESS TO THE PRINCE REGENT.

On the motion of Mr. Perceval, an humble Address was ordered to be presented to his Royal Highness the Prince Regent, praying that he would be graciously pleased to order that there be laid before the House an extract from a letter from Lord Viscount Wellington to the Earl of Liverpool, dated October 27, 1810.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 11.

The Tessera Bill was ordered to be read a second time on Monday se'nnight.

The Distillery Bill was read a third time, and passed.

The Bill for giving security to the Bank of Ireland for advances made to the merchants, was read a first time, and ordered to be read a second time on Tuesday se'nnight.

The House was summoned to attend the House of Peers, when the Royal assent was given, by commission, to the Militia Enlistment Bill, and several private Bills.

BULLION REPORT.

Mr. Horner rose for the purpose of putting the House in possession of the general nature of the Resolutions which he intended to move after the recess. His main object would be to embody, in the shape of resolutions, the opinions expressed by the Committee in the Bullion Report. He intended first to state, in certain resolutions, their opinion of the law and established policy of the country with respect to its lawful currency. Secondly, he meant to state his opinion, that a deviation had taken place in the actual currency from that which was by law a legal tender in payments, and to state what appeared to him the causes of this deviation. He should then proceed to state Resolutions, partly from facts and partly from opinions, with respect to the state of foreign exchanges, in which he would take notice both of the evil and its causes. To remedy these evils, he would propose Resolutions declaring that the only legal tender for sums above twelve pence was silver or gold coin: the silver coin to be of the standard fineness of 11 oz. 2 dwt. of fine silver, mixed with 18 dwt. of alloy; and the gold of 11 oz. of pure gold, mixed with one ounce of alloy, which should be coined into 44 guineas and a half. It would be proposed in the resolutions, to declare the times when the value of the different coins were fixed by proclamation, and when gold became the only legal tender for sums exceeding 25*l.* He would also propose a Resolution, that the money value of sums stipulated to be paid can only be measured by gold and silver coin of standard fineness. That in consequence of the length of time that the Bank had been restricted from paying in specie, their promissory notes had now ceased to represent gold and silver of standard fineness equal to the sums expressed in them. That it was the opinion of the Committee, that at the time of the Bank restriction, there was no intention of altering the money value of their notes; but that in consequence of the restriction, this value had been altered, by an abundant and excessive issue of promissory notes both of the Bank of England and of the Country Banks. That it also appeared to the Committee, that the exchange had been for a long time unfavourable to this country in an extraordinary degree; and although the war must have contributed much

to this effect, it appeared to them that it was principally owing to the depreciated state of our currency as compared with foreign currencies. That it appeared to them, that the only adequate and effectual remedy would be restoring the legal convertibility of Bank paper into gold or silver coin, upon demand. It would be therefore proposed to alter the Act which now continues the restriction on the Bank until six months after the definitive peace, and to make it last for the space of two years only. In this statement he did not mean to pledge himself that his Resolutions should be in the exact words that he had mentioned; but he hoped the statement would be sufficient to put the House in possession of the general line that he should adopt.

The Chancellor of the Exchequer said that he would certainly still be at liberty to alter the wording of the Resolutions, and that the House could not claim from him any further explanation. He thought, however, that it would be a great convenience to many Members, if the precise Resolutions which were to be moved, were communicated some days before the discussion.

Mr. Horner had no objection; but thought that for the same reason, the right honourable gentleman, or those who intended to move any Counter-resolutions, should also communicate them in a similar manner.

The Chancellor of the Exchequer acquiesced in the suggestion.

HIS MAJESTY'S HEALTH.

Mr. Secretary Ryder brought up the following communication respecting his Majesty's health:—

Queen's Lodge, Windsor, April 6, 1811.

Present, the Archbishops of Canterbury and York, Earl Winchilsea, Earl of Aylesford, Lord Eldon, Lord Ellenborough, Sir W. Grant (the Duke of Montrose being absent on account of indisposition).

"We, the Members of the Council, here present, appointed to assist her Majesty in the execution of the trust committed to her Majesty, by virtue of the Statute passed in the 51st year of his Majesty's reign, entitled, 'An Act to provide for the Administration of the Royal Authority, and for the care of his Majesty's Royal Person during the continuance of his Majesty's illness; and for the resumption of the exercise of the Royal Authority by his Majesty;' having called before us and examined on oath the physicians

and other persons attendant on his Majesty, and having ascertained the state of his Majesty's health by such other ways and means as appear to us to be necessary for that purpose, do hereby declare the state of his Majesty's health, at the time of this our meeting, as follows:—

"That the indisposition with which his Majesty was afflicted at the time of the passing of the said Act, does still so far exist, that his Majesty is not yet restored to such a state of health as to be capable of resuming the personal exercise of his Royal Authority.

"That his Majesty appears to have made material progress towards recovery since the passing of the Act; and that all his Majesty's physicians continue to express their expectations of such recovery."

(Signed) C. CANTUAR. ELDON
J. EBER ELLENBOROUGH
WINCHILSEA W. GRANT.
AYLESFORD

PORTUGAL.

Mr. Secretary Ryder brought up a copy of the letter which was moved for yesterday, from Lord Wellington to the Earl of Liverpool, dated October 27, 1810.

Mr. Canning took that opportunity of making a few observations. He did not rise for the purpose of adding any thing to the general expression of triumph and exultation at the successful issue of the campaign in Portugal. He rose principally because he himself had not long ago been rebuked in that House by Members who always looked with despondency at the affairs of the Peninsula, for having professed hopes that were too sanguine, and expectations which were exaggerated. There were some considerations arising out of the letter which was now presented, that it would be well if gentlemen were to imprint upon their minds. In this letter Lord Wellington bore the most ample testimony to the manner in which he was seconded by the whole Portuguese nation. Now it had been the fashion in this country before that time to abuse the Portuguese nation, and to argue, from the hopelessness of our efforts being seconded, that this country should relax its exertions, and afford but a very limited assistance to the Peninsula. What would those who held that language formerly, think of the recent conduct of the Portuguese? Even a gallant General

(General Fergusson) had despaired of effectual assistance being to be derived from Portuguese troops. That gallant General had, however, since come forward, and made a noble recantation of the error of his former opinion, in a manner that redounded highly to his honour. The same unkind and disparaging expressions which were formerly applied to the Portuguese, are now applied to the Spaniards. It was unkind, and it could produce no good effect, for gentlemen to represent the Spaniards as worthless auxiliaries. To persuade a newly-raised army that they are worthless, is a method of making them so. We should not forget the many instances of noble courage and perseverance which had been exhibited by the Spaniards during the present contest, and great allowances ought to be made for a country without a regular government or military organization. He was not afraid of being again rebuked as too sanguine, when he declared his firm hopes that success would finally crown the exertions of our allies throughout the whole Peninsula. (*Hear! hear!*) Should that event take place, what recantation of their errors would those persons be prepared to make, who had so long reproached the whole Spanish nation for evils which only proceeded from a defective organization? He wished that all those who were disposed to speak lightly of the Spanish nation, would remember what character was formerly given to the Portuguese, and yet how nobly they had acted on the late trying occasion. This consideration should make liberal men hesitate before they form ill opinions of the inhabitants of the other part of the Peninsula. As he considered that the abuse which was now commonly thrown out against the Spaniards was undeserved, as it could answer no one good purpose, but might be productive of a great deal of evil, he had taken the present opportunity of stating those sentiments to the House.

The letter was then ordered to lie on the table.

BANK TOKENS.

Mr. Manning rose to state, that the Bank were now stamping a very considerable number of dollars, which would be issued in about a fortnight, at 5*s*. 6*d*. each. Those persons, therefore, would find themselves much mistaken who expected to gain any thing by withholding dollars from circulation. He would have wished to have made this statement in the presence of a noble Lord (Lord Folke-

none), but as he was not then in the House, he thought it right to state it now, that a wrong impression should not remain on the public mind during the recess.

The other orders of the House being disposed of, the House adjourned to Wednesday se'nnight.

HOUSE OF LORDS.

WEDNESDAY, APRIL 24.

CAMPAIGN IN PORTUGAL.

The Earl of Liverpool gave notice, that it being now ascertained that Portugal was completely evacuated by the enemy, with the exception of the fortress of Almeida, he should on Friday move the Thanks of the House to Lord Viscount Wellington, and the Army under his command. —The Lords were ordered to be summoned for Friday.

CRIMINAL LAW.

The five Criminal Law Bills were, on the motion of the *Earl of Lauderdale*, ordered to be read a second time on Wednesday the 15th of May, and the Lords to be summoned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 24.

IRISH LOAN.

Mr. Perceval moved that the House resolve itself into a Committee of Ways and Means.

The Speaker having accordingly left the Chair,

Mr. Foster rose to state the terms on which the Irish Loan had been raised. It would be quite unnecessary for him to say much on the subject. He had only to state, that Government had succeeded in raising the Loan in Ireland. The terms on which it had been contracted for were these :—

For every 100*l.* - 120*l.* 0*s.* 3½ per cent. Interest 4*l.* 4*s.*
11*l.* 5*s.* Treasury Bills - Interest 11*s.*

4*l.* 15*s.*

So that the whole had been raised at an interest of 4*l.* 15*s.* per cent. which, in the present circumstances of Ireland,

could not but be regarded as a very advantageous bargain for the public. He then moved resolutions, that it was expedient to raise two and a half millions by way of annuities for the service of Ireland, and on the terms above stated.

Resolutions agreed to, and Report to-morrow.

Mr. Foster moved for a Copy of the Surrender of the Irish Butlerage and Prizage of Wines into the hands of his Majesty.—Ordered.

BULLION REPORT.

Mr. Vansittart stated his intention to propose Resolutions on the subject of the Bullion Report on Monday, in case those of his honourable and learned friend, Mr. Horner, should not be adopted. Having only very lately seen the Resolutions of his honourable and learned friend, he was not prepared as yet to state exactly what the nature of his own Resolutions would be, but he would read them to the House on Friday, after which they might be printed, so as to be in the hands of members previous to the discussion. In the mean time he was desirous that some facts already sufficiently notorious, should be brought formally under the view of the House, and would therefore move for some papers—First, An Account of the number of Bank Notes in circulation between February and August 1795-6.—2d, The average amount in circulation in 1799, 1800-1-2.—3d, An Account of the average amount between 1797 and 1810.—4th, An Account of the quantity of Gold coined from the Revolution to the beginning of the present reign. Ordered.—He next moved for a Report presented by the Comptrollers of Army Accounts in 1811, inclosing statements of the Exchange at various periods. This would shew the rise of Bullion and depression of the Exchange in the reign of Queen Anne.

Sir John Newport remarked, that these were called for at so late a period, that it would be impossible for his honourable and learned friend to avail himself of whatever light they might throw on the question.

Mr. Vansittart said they were matters of notoriety. Gentlemen might, by glancing over one page, see the situation of the exchanges at different periods.

Mr. Tierney said, that though the honourable gentleman wished to elucidate his own view of the subject from these papers, others might see cause to use them for the elucida-

tion of another view. He did not refuse to grant the paper, however—but the time even for the consideration of the honourable gentleman's Resolutions was very short. He was as anxious as any one that the House should come to a speedy decision on this subject—but, at the same time, it was necessary that they should be thoroughly aware of whatever was to be proposed on either side. If the honourable gentleman then intended to propose Resolutions contrary to those of his honourable and learned friend (Mr. Horner), and could not state them till Friday, he suggested whether it might not be advisable at once to delay the discussion for a day or two.

Mr. Perceval admitted there was some weight in what had been said by the hon. gentleman, but he thought it better to wait till they heard what the Resolutions of his hon. friend were before they postponed the discussion. Finding that the view taken of the subject by his hon. friend (Vansittart) coincided with his own, he had requested him to draw up Resolutions accordingly, and it had so happened, that this was the earliest moment he could apprize the House of his intention.

Mr. Tierney spoke only on the supposition that they were to be the contrary of those proposed by his hon. and learned friend. If they should turn out unexpectedly not to be so, certainly the foundation of his suggestion would be gone.

Mr. Thornton thought that there should be the earliest notice given of Resolutions of such great and acknowledged general importance as those to be proposed by the right hon. gentleman. He did not accuse the right hon. gentleman of taking the House by surprise—very far from it; but still it was to be lamented that they were not already before the public, in order to enable them to form a fair judgment upon them, compared with those from which they were avowed so materially to differ. It might too operate rather unexpectedly on his hon. and learned friend, who was not then in town, nor could be, he believed, before some time in the forenoon of Monday.

Mr. Huskisson expressed a wish that the Resolutions might be ready for printing on Friday.

Mr. Vansittart pledged himself that nothing should be wanting on his part to put them in every state of forwardness.—The motion was then agreed to.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 25.

EXCHEQUER BILLS.

Mr. Marryatt trusted that very few observations would be necessary to satisfy the House of the expediency of granting the information for which he was about to move. There were already before the House, official documents which shewed that the amount of Bank-notes in circulation, for the four years preceding the Bank restriction, varied from 11 millions to 13 millions, and that at the period immediately preceding the restriction, they amounted to 8,640,000*l.* and that the amount of their issue last January amounted to between 23 and 24 millions. It was needless to comment upon the mischievous effects of an excessive paper currency, not convertible into specie. The consequences have already been felt in an unprecedented difference between the mint price and the market price of Bullion, and in an equally unprecedented depreciation in the rate of our foreign exchange. The Bank, however, contended that the amount of their notes in circulation, was no proof of their excessive issue, that that amount had no connexion with the price of bullion, or the rate of the foreign exchange, and that therefore all these effects must be traced to other causes; indeed, on a late occasion, the Deputy Governor of the Bank, rather *ungratefully*, considering how indulgent his Majesty's Ministers have ever been to the excessive issue of Bank-notes, rather ungratefully recriminated on them, and imputed the two latter of those evils to an unfavourable balance of trade and payments occasioned by the excessive issue of licences. He so far agreed with that honourable gentleman in thinking with him, that the excessive issue of licences had much of these evils to answer for; and he conscientiously believed that a short Bill, containing a similar clause, and enacting that the room in which the Lords of Trade and Plantations held their sittings should be locked up, and the key laid upon the table of that House (*a laugh*) —containing also a similar clause respecting the apartments in which the Bank Directors carried on their manufactory of notes,—he conscientiously believed that such a Bill by preventing the excessive issue both of notes and licences, would be one of the most useful acts that could pass that House: but, leaving his Majesty's Ministers and the Bank

Directors to settle between themselves the precise quota of blame which each ought to bear, he should pass on to observe, that the first great evil to which he had alluded, namely, the rapid advance in the price of all commodities, was the indisputable effect of the vast increase of a circulating medium not convertible into specie, and amply justified him in bringing forward that or any motion which, by elucidating the conduct of the Bank Directors, could have a tendency to check the evil itself. To deny the amount of notes in circulation was impossible: but the point on which the Bank rested their justification was, that they did not force a single note into circulation.—This was the evidence given by both the Deputy Governor and Governor of the Bank: it had been repeated in all the various pamphlets advocating the interests of the Bank; it had been again urged by the present Deputy Governor (Mr. Manning) in the late debate respecting Bank discounts; but he would ask, how did that apply to the motion then before them? He asserted, without fear of contradiction, that since one great branch of the business of the Bank of England had fallen off, he meant their mercantile discounts (owing to the unfortunate failure of so many of their best customers in that line), they had very much extended another branch of their business, in the purchase of Exchequer-bills in the open market. Would it be contended that in issuing notes for these purposes, they did not force their notes into circulation? Not a note more was in circulation than the actual wants of the country require? Whose wants called upon them to make these issues of their notes? What but their own necessities, or rather their determination not to let their profits diminish as long as ever the Bank restriction remained in force? This practice appeared to him to be highly exceptionable on various accounts: in the first place, it was not one of those objects for which the Bank of England had been originally established. Those objects were declared in the Act of the incorporation to be, the discounting of bills and the buying and selling of bullion and foreign coin. This Act, however, not only directed what the Bank should do, but prohibited what it should not do; and, with a just jealousy, guarded against any connexion between the Bank and the Government. This Act, the fifth of William and Mary, enacted, "that they shall not purchase any land or revenue belonging to the Crown, or advance or lend to their Majesties, their heirs or successors, any sum or sums of money, by way of loan or subscription, or any part of the

revenue other than any part on which a credit or loan is, or shall be granted by Parliament." Mr. Pitt, however, found it convenient to form a closer connexion with the Bank than that Act allowed, and he accordingly brought in a bill, the 33d George III. authorizing them to make advances on Treasury-bills; but there was a clause introduced by Mr. Fox, prohibiting them from advancing, this clause says, "that they shall not advance more than 600,000*l.* on Exchequer-bills, by way of loan or advance for, or on account of the public service, except to an amount not exceeding 600,000*l.* on the credit of an issue of Exchequer-bills then about to be made."—The Bank, he admitted, did not violate the letter, but they evidently evaded the spirit of the Act; for though they did not advance beyond the stipulated amount by way of loan to the Government, yet their purchasing of the brokers who negociate them on account of Government, came indirectly to the same thing. This practice was also an unjust interference with the capital of individuals—it obliged every man who was in the habit of vesting his capital in Exchequer-bills, to employ it to less advantage than they otherwise could do. Individuals could only act with a real capital, either inherited from their ancestors, or acquired by their own industry. But the Bank Restriction Act gave the Bank the power of acting with an artificial capital, without any limits, and without any expence but that of setting the paper-mill to work. Was this a just and fair competition? This practice was also injurious to the public at large, for the price of every commodity was raised by the excessive issues of paper thus forced into circulation; and thus every individual, in every thing he eats, drinks, wears, or consumes, was obliged to contribute to the extravagant aggrandizement of this already overgrown Corporation. This practice too prevented the adoption of a system much more advantageous both to individuals and the state. No doubt could be entertained that the public would prefer Government paper bearing interest to Bank paper bearing no interest, provided the same facilities were given to both. If Exchequer-bills were issued from 10*l.* to 50*l.* bearing only 3 per cent. interest, and exempted from the property tax, to avoid those complex calculations which now attend the transfer of them, they would circulate with the same facility as Bank-notes now do, every man would then receive interest upon them for the time they remained in his possession, and thus Government and individuals would

divide that profit which was now engrossed by the Bank of England.

He was aware that the Chancellor of the Exchequer was disposed to look on this practice with a venial eye, as it enabled that right honourable gentleman to come down to the House with flourishing statements of the low rate of interest at which he has been fortunate enough to raise large sums of money for the public service by means of Exchequer-bills, and the excessive issue of the Bank. But this issue, by advancing the price of every commodity, swelled the nominal amount of our imports and exports, and of our revenue, and in considering them in this point of view, we saw them through a false medium, as children see pictures in a raree-show, through a magnifying glass; and, like them too, we were only delighted in proportion as we were deceived; for the truth was, that our expenditure increases in a still greater proportion. It was justly and acutely observed by the honourable Member for Southwark, that a few years ago our revenue and our expenditure met within two millions, but now they were much farther distant; and the longer the present system was continued, the more that distance would increase. Perhaps the authority of a right hon. baronet who has been favouring the public with his lucubrations on this subject, might have some weight with the Chancellor of the Exchequer—that right honourable baronet quoted from another honourable baronet, where he said, that the Minister who wanted to borrow money should contrive to render the circulating medium as abundant as possible. He (Mr. Marryatt) admitted that this doctrine tended to raise the value of the price of the funds as well as that of the Exchequer-bills; but it was not to be forgotten that whatever was not just in its principle could not be lasting in its duration, and that if the public found government securities thus tampered with, their confidence in them must fail, and their consequent depreciation be productive of the most serious mischiefs. Hitherto there had been generally too good an understanding between the Bank and the Minister—they agree to support his measures and he will not inquire into their profits—indeed, wherever the case had been otherwise, the Minister had been obliged to give way.

It appeared in the report of the Lords' Committee of Secrecy, in the year 1797, on the Order of Council relating to the Bank, that the Directors absolutely extorted from Mr. Pitt a promise not to enter into any treaty with any foreign

power, prince, or potentate, without first consulting with them, the Directors—he might say extorted, because they gave him to understand that they would not pay his Treasury-bills unless he complied—thus insisting to be privy to the most important state secrets, and claiming a right to control the most important state measures. Mr. Pitt, however, was obliged to submit. Did the present Ministers boast firmer nerves than Mr. Pitt? or was the power of the Bank diminished since that period? The Bank Restriction Act gave them the power of raising capital to any extent by the mere operation of the paper-mill; and thereby supplied them not only with the fulcrum, but the ground to stand upon; it realized to them the wish of Archimedes, and gave them that place to stand upon, with which, he said, he could undertake to raise the world. Mr. Marryatt then, after recapitulating the points which he had contended for, concluded by stating that his wish was to see the legitimate Government of the country restored to its proper independence; to do that, the wealth and power of the Bank must be brought within reasonable limits. The amount of the Exchequer-bills now holden by the Bank were seventeen millions. The Bank stood charged with abusing the confidence of the Legislature. The documents he now moved for would either substantiate or invalidate that charge. That House had as much right, were, indeed, as strongly bound to examine into the accounts of that corporation, as to call for the annual list of imports and exports from his Majesty's Ministers. He then moved, that there be laid before that House an account of the Exchequer-bills held by the Bank of England on the 1st day of January, April, July, and October, for each year since the 1st of January 1797, to the latest period the same can be made up, distinguishing the services for which they were raised, and the funds on which they were charged.

Mr. Manning observed, that the charge against the Bank rested merely on the authority of the honourable member who had just spoken. There was no document on the subject before the House, and the House was certainly not bound to take notice of a mere unauthenticated statement. Some acts of Parliament had been stated as limiting the purchase of Exchequer-bills to 600,000*l.* It was true that there had been a regulation for that purpose, but it was merely temporary, and died with the time. (The honourable member then quoted a variety of Acts, in which purchases to the

amount of millions were authorised by Parliament.) There had been, in the passing of those various Acts, opportunity enough to resist the extension of the purchase, if it were really illegal. When the Bank was charged with the extravagant traffic in Exchequer-bills, it ought to be known, that it never purchased at a premium. It was only when money was greatly wanting in the market, and the most serious inconveniencies might result from withholding their purchase, that the Directors of the Bank appeared in the market. The Bank had been charged with raising the price of the government securities. This was a curious charge; and he (Mr. Manning) must go to school again, if he was to learn, that keeping up the value of government securities was an injury to the country. The Bank made no profit by those transactions. It had only complied with the regulations adopted by the wisdom of Parliament. Without traveling into the vague statements, of its having raised the price of the necessaries of life by its issue of paper; all which he (Mr. Manning) must most positively deny (*Hear, hear!* from the Chancellor of the Exchequer); he must inform the honourable member, (Mr. Marryatt) that every paper which could be required for his satisfaction was already on the table, in the Appendix to the Bullion Report, and in the accounts which the cashier of the Bank had lately presented to the House. As to other transactions, not connected with matters of a public nature, it was not to be expected. that any gratification would be given to mere curiosity.

Mr. Marryatt complained that the only account which was material should be still refused. He desired to know, not the amount of the Bank dealing with Government, but the actual amount of the purchase of Exchequer-bills by the Bank, on its private account, in the market. But the Bank was now putting itself forward as the supporter of the public securities. Why was it to stop at seventeen millions, Why not buy up the whole thirty millions of Exchequer-bills that were out? Why not buy up all other securities? It would cost the Bank nothing but another application to the paper-mill. The Bank might then, with the whole mass of public securities in its hands, proceed to model its proceedings as might best suit its convenience. One of its operations might be the reduction of the interest; and the Five per Cents might become Four, the Four Three, and so on. These might be the first fruits of the new power which the Bank had now taken to itself, and only a beginning of what

might be effected by collusion with the Minister of the day. The papers necessary for demonstrating those charges might be refused: but as a public man, he could not give confidence to those who demanded that he should give it blindly, with a precipice at his feet. He could not give his entire acquiescence to those who told him to shut his eyes and walk on.

After a few words from Sir J. Newport, the question was put, and negatived without a division.

Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 26.

The House met at one o'clock, and continued in a Committee of Privileges, till half-past five, on the Berkeley Peerage Case.

THANKS TO LORD VISCOUNT WELLINGTON, &c.

After prayers, the doors were re-opened at six, when we found the *Earl of Liverpool* addressing their Lordships, on the motion of thanks to Lord Viscount Wellington and the army under his command. His Lordship was stating what had been the ideas of Lord Wellington respecting the practicability of the defence of Portugal; which he thought he could maintain, under the circumstances, against any force which it was probable that France would send; considering Lisbon and its vicinity as the great pivot on which his system must turn, fortified as the positions there would be by the skill of our engineers, added to what Nature had already made so strong. The foundation of the necessary works had been begun in the winter before last, and had been proceeded in, and completed, tranquilly and unostentatiously: these works formed the great basis of the plan of defence. The British General was perfectly aware, from the beginning, of the great importance of not hastily risking the safety of the gallant army under his command; and of looking for the defence of the country, not to measures which might probably succeed, but to measures founded upon a safe and prudent policy; by which, he judged wisely, as the event had shown, that success would finally be obtained. He wished, therefore, as long as possible, to keep the enemy on the frontiers, and defer their invasion to a later season

of the year. In this view of the subject of defence, there were two objects before him: the first, not hastily to risk the army; the second, the conviction that the security of Portugal depended on the hearty co-operation of the people, and the speedy equipment and discipline of the Portuguese troops. Much of the credit, success, and fame of the campaign must rest on a prudent policy; since it was well known, that a newly-raised force would be most likely to take their future character from what they were on the first occasion of their being brought into action. If they were then successful, they were likely to maintain their reputation. Had he placed the Portuguese troops at first in a situation of fighting, unattended with local or other advantages, and had he been disappointed in the result, much time might have been required before the results could have been corrected. Thus, it must appear, when it was considered how large a proportion of Lord Wellington's force was composed of Portuguese, that the prudent and defensive system was that which it was wise to adopt. If their Lordships would look at the nature and magnitude of the effort of the enemy, they would see that it bore no resemblance to some of those hasty and rapid armaments which had been made by France when engaged in war with different Powers; but that, to invade Portugal, France, not at war with any of the Powers of Europe, save the nations of the Peninsula, had deliberately prepared the means of invasion during seven months. To render the army perfect, the enemy had appointed one of the most able and successful of all his Generals: nay, so solicitous was he, in this respect, that the best officers were brought from others of his armies, to act in subordinate capacities in the army of Massena. In short, it was a great, an immense effect of deliberate preparation, under the ablest officers of France. In the view the British General took of the whole, he never lost sight of the propriety of offensive warfare, should the opportunity arrive with a rational chance of success. He never (as the enemy had chosen to assert) promised to relieve Ciudad Rodrigo. On that subject he communicated with the Marquis de la Romana, who was perfectly convinced, that Lord Wellington's system was right. Lord Wellington had only said, that if the Spaniards could make a great exertion, so as to draw off a considerable part of the French force, he would undertake offensive measures; but he added, that he should look to the campaign

as a whole, and embark in no measure to which he was not adequate, or which would risk his army. By the mode of defence adopted, Ciudad Rodrigo did not surrender till the 3d of July; Almeida, not till the 27th of August, and that prematurely, from an accident which befel it; so that, by our operations, the fall of these places was protracted from the middle of May, till near the end of August. So far we had some grounds of satisfaction, from the wisdom with which the operations were concerted and carried on. Thus, we saw armies, such as those which had overturned kingdoms in a month, balanced and stopped; war returning to its old course, and the enemy obliged to respect us, and to carry on his hostilities upon old principles. Lord Wellington, when they advanced into Portugal, made no stand against them but when there was the strongest prospect of success; when circumstances were of the most advantageous kind, and in which he could safely try and estimate the value of the Portuguese. *(Hear!)* The French took the south road of the Mondego. They must all recollect the attack they made with two divisions upon our advantageous position, where, first, Lord Wellington had the opportunity of putting our allies to the test. He (Lord Liverpool) had it from various officers who were eye-witnesses, that they could see no difference between the exertions of the Portuguese and those of the British soldiers. *(Hear!)* Thus, by the Commander's judicious mode, confidence was inspired into them, and they acquired a just opinion of their own powers; and his Lordship was enabled to see on what grounds his future measures might rest. He persevered in his plan of retiring to the neighbourhood of Lisbon; protracting his retreat, to give the inhabitants time to remove their effects, and with the ultimate view of delaying the invaders, he withdrew to the position, where he had before said that he felt he could contend for the defence of Portugal. Was not that position such as he described it to be? —capable of resisting an army of near 70,000 men, full of threats and menaces, and of sanguine expectations of success? *(Hear!)* A few weeks served to show, that Lord Wellington was right; and, whatever difference there was in other points, as to result, yet the enemy's opinion here confirmed the British General's, as was clearly shown by his not venturing on an attack. This plan of our General was an original one, and entirely his own. It was formed upon no former plan for the defence of that country; it was

the result of his own excellent judgment, and was now sanctioned by the conduct of the enemy himself. When in his position, there were two considerations on his mind:—Whether he should attack the enemy, or whether scarcity and privations would not produce the same results? Here it would not be doing justice to Lord Wellington, if he did not say, that if any unreasonable delay had occurred, it would not have been imputable to that General. He coolly and carefully examined the question of attacking the French, and wrote fully to him (Lord Liverpool) his ideas on the subject. He was satisfied that he could beat the French army; but that he must suffer a very considerable loss, since the features of the country which made his own ground so strong, rendered the position of the enemy little inferior in strength; besides, the roads were broken up, and every other inconvenience existed. On the other hand, he thought the same beneficial results could be procured by delay. He wrote, that he did not mean to move his army, to risk a battle in a place less advantageous than that which he had already proposed. The enemy's army, he further stated, could be relieved only by some calamity befalling that of the allies; and he did not judge it expedient to put the fate of the campaign on a battle, upon ground chosen by the foe. He (Lord Liverpool) wrote to him, and told him to pursue his own judgment; knowing, from experience, and from personal acquaintance, the value and correctness of that judgment, and that it would point out to him the true principle of action. The General wrote again to him, that as there was no other army in the Peninsula fit to act against such an enemy as he had before him, the great sacrifice and loss, even in a successful attack, must be considered; but he had no doubt that final success would be attained by other measures, which appeared to him the only safe and wise ones. Such was the General's previous opinion; and through the whole of the operations, up to the retreat on the 5th of March, there never was a movement in which he was not confident of the result by a small sacrifice and wise delay. There never was a series of operations more uniformly successful, or conducted with more skill and spirit. What, but a well-considered previous system, could have enabled him, on the enemy's retreat, to march after him thirty days together? If there were no other proof of his opinion respecting ultimate success, consider his readiness for the pursuit of Massena!—(*Hear!*)—

The rear-guard of the enemy was conducted with great talents by a French Marshal; but was closely followed by us, till, at length, with trifling loss, our army had arrived on the spot where it stood last year, in high spirits, and in high condition. It would be waste of time to enlarge upon the importance of the service, and the credit due to the General. We had now an army inured to war, which had seen it in all its shapes; not only in battles and victories, but in the patient endurance of retreats, and of remaining for months in particular positions. This campaign had also shown us, that we had a General equal to the best examples. It had formerly been said by the French, of a celebrated General of our's, when speaking of his great successes against them, that he lived in days when the greatest French Generals were either dead or not employed. They could not say this of Lord Wellington. It had been his fortune to be opposed to almost all the first Generals of France: Generals whose career of successes had made their names proverbial. He had first met and beaten Junot—he had beaten Soult—he had beaten Victor—he had beaten Jourdan—and now he had beaten Massena, whose fame had risen the highest! *(Hear! hear!)* A noble Earl (Earl Grey) has said, on a former motion of Thanks (Barrosa), that it was the satisfaction and pride of the country to know, that in every situation in which British valour was placed, if the odds against us were not numerically too great to give a chance of victory, our success was certain, on sea or on shore. We now had not only a proof of our pre-eminent bravery, but likewise of our military skill and science. We knew our military prowess as a nation long before we understood our maritime value. In the days of the Duke of Marlborough, our military fame shone forth with distinguished lustre. In more recent periods, circumstances had induced us to attend more to maritime affairs; and while almost all the Continent of Europe was sinking in ruins, our successes at sea had surpassed all the naval glories that had ever been attained. When the Peninsula rose in arms against its oppressors, and seemed to many to furnish a most favourable opportunity of resisting the general enemy, we had given our assistance, and had again met the struggle in extended military warfare. The event had clearly shown us the value of our military character. He recollected an observation made by a gentleman now no more, of whom he could never speak without respect, from his

admiration of his talents and his virtues, on the occasion of the victory in Egypt: "I have no fear," said he, "for the British troops, when opposed fairly to the enemy. All they want," he added, (alluding to a practice to which he was a little partial) "is a clear stage, and no favour." (*Hear!*) It had been formerly objected to the probability of our defending Portugal with success, that we should be met by the accumulated means of France. We had so been met, at a time, too, when she was not at war with other Powers. We know the magnitude of the effort she has made, and we have seen the triumph of British valour, science, skill, and perseverance. The result must show us what may be done when a people are determined to resist their invaders. The loss of the Peninsula he should deeply regret, as he must regret the failure of a people desirous of preserving their independence. The result, he trusted, would show, as far at least as Portugal was concerned, what a nation, animated by a right spirit, could effect, although for years past unaccustomed to war, and deprived of military experience. If ever this country should be doomed to be the theatre of war, we might learn from the privations, sufferings, and sacrifices of the Portuguese nation, what we owed to ourselves. We suffered, indeed, from the inevitable evils of a state of hostilities, but we were yet free from all the worst evils of war. If the measures which had been so successfully adopted in Portugal had been the result of a wise calculation, and had been connected with a pure spirit of philanthropy, so were they also the cheapest and easiest mode of defending our own country, and of securing to us those blessings we yet peculiarly enjoy. He should not farther trespass on their Lordships' attention; but conclude with moving, that the Thanks of their Lordships be given to Lieutenant-General Lord Viscount Wellington, for the ability, fortitude, and perseverance, which he had displayed in the important services he had performed, in the defence of Portugal against the enemy.

The motion being made,

Earl Grey rose, and said, that the motion of the noble Lord had his most entire and full assent: and though the noble Lord, in the course of his speech, had omitted nothing that could illustrate the nature and extent of the services that had been performed, yet he could not sit silent on the occasion, impressed as he was with feelings of gratitude and admiration towards that great Commander who

was the subject of this vote, and deriving a just national pride from the consideration, that the honour of the country had been so greatly exalted by the conduct of that distinguished General and his brave army. There were also additional motives of imperative force, and of a nature personal to himself, which induced him to feel anxious to second the present motion. In proportion to the pain which he felt in withholding his assent to the Vote of Thanks on a former occasion, was the pleasure which he now experienced in contributing his mite of approbation for services, as to the merits and effects of which there could be no doubt, and which indeed could hardly be too highly appreciated. (*Hear!*) The noble Lord had done ample justice to the merit of Lord Wellington, and to the bravery of the troops which he commanded. He had listened to the speech of the noble Lord with the sincerest pleasure; and his thanks were particularly due to him for the candour which he had displayed on this as on every similar occasion, in avoiding the introduction of any invidious topics, or of those former differences of opinion, which might have tended to interrupt the unanimity that ought to prevail on such an occasion. There was one point, however, on which he (Lord Grey) felt it impossible to be silent; and that was, the apparent contrast, or contradiction, as some might call it, between the sentiments which he had now delivered, and the opinions which he had expressed on former occasions, when the nature and policy of the campaign in Portugal were the subject of discussion. He was ready to acknowledge, that on the invasion of Portugal by the French armies, and in the course of their progress, he did anticipate a very different issue to the campaign. Whether the reasons on which he formed that opinion had more or less the appearance of probability to support them—whether in the eye of prudence they might appear well or ill founded, he would not inquire. He had a much more agreeable task to perform, and to express his signal gratification, that the event had not corresponded with the fears which he felt, nor confirmed the anticipations which pressed upon his mind. To their Lordships, and to the public, this explanation might be of no consequence; to himself, however, and to his own character, he felt such an explanation of consequence; and he trusted their Lordships would do him the justice to believe, that the opinions which he had formerly delivered,

though now happily contradicted by the event, were at least the sincere and honest dictates of his mind, and taken up from no illiberal or invidious feeling. (*Hear! hear!*) He had now no hesitation to qualify and retract them; and this very circumstance, perhaps, gave a value to his vote on the present occasion, which would render it, probably, not less grateful to him who was its object, and which would not otherwise have belonged to it had he been one of those who anticipated success from the greatness of the means that were employed to attain it. Those who looked forward to success at all periods of the campaign, were bound to acknowledge the valour and consummate skill of the Commander of the allied forces; but that acknowledgment was still more amply due from those who, like himself, did conceive the difficulties in which Lord Wellington was placed, to be such as to threaten him and his army with the greatest danger, and greatly to diminish the hopes of a successful issue. This was the only use he wished to make of those recollections and allusions, which only served to exalt in his mind the character of this consummate Commander, and to heighten his gratitude towards that skill and valour which had surmounted such formidable difficulties. (*Hear!*) After the able detail which their Lordships had heard of the nature and events of the campaign, he would not detain them by repeating that eulogium to which all had listened with so much satisfaction.—By patient perseverance, under unfavourable circumstances, and at the moment of action, by the skilful combination of force, and the most determined courage, a great success had been achieved, and as much honour done to the British army, as any victory could have accomplished. The success itself was greatly enhanced by the small amount of bloodshed with which it was attained. Had the French army been defeated in a great battle, with the loss of 20 or 25,000 men, which might perhaps be nearly the amount of their losses in the retreat, such a victory could not have been obtained, without a heavy expenditure of British blood. In the midst of our rejoicings on such an event, there must have been many mournings: but the enemy had now sustained a loss equal to that which a great victory would have inflicted, and that at a small expence on the part of the allied army. It was to him, as it must be to all their Lordships, a source of the highest satisfaction, that so much had been achieved, and yet that British blood, so

valuable at all times, had been spared. (*Hear!*) There was one topic which he could not advert to without great pain, and that was, the miseries that had been inflicted on the unfortunate inhabitants of Portugal by their merciless invaders. Calamity was inseparable from war; and, above all, from a defensive war, where the enemy had penetrated into the heart of a country. The dwellings, and the means of the people, would be made subservient to the purposes of the invader: but to our General, no blame was ascribable for adopting measures, which, though painful in themselves, were necessary for the ultimate expulsion of the enemy. The miseries which the French had inflicted in their retreat, were, from all concurrent accounts, sufficient to harrow up the feelings; and he trusted, that as to Lord Wellington the Portuguese were indebted for the expulsion of their enemies, so, to his provident cares, they would also be indebted for much alleviation of their misfortunes. From the language held by Ministers, he trusted that Portugal was secure, at least for the present; that no apprehension was to be entertained for Sir William Beresford and his army; and that the speedy fall of Badajoz might be firmly anticipated. In this light the expulsion of the French army was to be regarded as a circumstance of the proudest nature, and most worthy of the cordial thanks of the House—the greatest reward which they had to bestow. Great and important, however, as the deliverance of Portugal was, even that might prove only a temporary advantage: but the moral effects of such a distinguished advantage upon the minds of the enemy's forces must be very considerable; while on those of our troops its effects must be incalculably beneficial. (*Hear!*) From the proud and well-earned confidence, that we possess commanders able to cope with and to defeat the "spoiled children" of victory, we derive a security against any efforts that may be more immediately directed against ourselves. But, at the same time, he must caution the House against thinking that there was no ground for future apprehension. He knew not what diversion might arise of the enemy's force from troubles in Holland, or from war in the North of Europe; with prospects of diversion in those quarters, he was not acquainted: but when he considered what effect this marked repulse must have on the revengeful passions of our enemy, and how much his reputation was at stake, we ought to be prepared for seeing still greater efforts made by him; and if we continued to be left as principals in the war of the

Peninsula, he much doubted the chances of our being ultimately successful. There must be very different exertions from what we had witnessed on the part of the Spaniards, to enable us to entertain a rational hope that the independence of the Peninsula will be finally established. The present was a propitious interval for exciting to combined and vigorous efforts, and should be improved by Ministers for that purpose, particularly when the gallantry and good conduct of the Portuguese troops had pointed out the very mode in which this interval might be turned to the best advantage. It was a duty incumbent on Ministers and on Parliament to take care, lest through timidity, imbecility, or corruption in any quarter, all our sacrifices should be rendered useless, and should only tend to sap the foundations of our own power in the time of our utmost need.—Upon the whole, for the services of Lord Wellington he felt that the utmost gratitude was due; and he would not detain their Lordships farther, than by expressing his cordial acquiescence in the Vote of Thanks, which he regarded as the highest honour the House could confer, and which should always be reserved for occasions of splendid merit like the present.

Lord Suffolk said a few words: but from the noise which prevailed in the House at the time, we could not collect what fell from his Lordship.

The motion was then agreed to, *nemine dissentiente*.

Lord Liverpool then moved a Vote of Thanks to Sir W. Beresford, and the other Generals and Officers in both armies, with a resolution, that the House do highly approve of the bravery and good conduct of the Non-commisioned Officers and Privates belonging to the same. Both motions were agreed to, *nem. diss.*

The other orders of the day were then disposed of, and the House adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 26.

Mr. Vansittart read a series of Resolutions, which he proposed submitting to the House in the Committee on the Bullion Report. They went, in substance, to attribute the unfavourable exchanges, and the dearness of bullion, to foreign causes—the pay of troops abroad—the expence of distant wars—and the necessary import of foreign corn.

THANKS TO LORD WELLINGTON.

The Chancellor of the Exchequer spoke to the following effect:—It is one of the disagreeable circumstances attached to every person who holds the situation which I now hold, to be often under the necessity of submitting various measures to this House, not more unpleasant for the House to adopt, than unpleasant to his own feelings to propose. In a state of war, there are unfortunately many occasions of this description—occasions when he is under the necessity of proposing additional burdens on a people already loaded with burdens. But the same state of war which furnishes these disagreeable occasions, furnishes also, not unfrequently, occasions of a very different nature.—There are many most pleasant duties which he is from time to time called upon to discharge; there are situations in which he is placed, eminently grateful to his feelings—situations of the nature of that in which I have the good fortune to stand at present—when an opportunity occurs of laying before Parliament instances of the most distinguished valour, and of the most brilliant naval and military glory—glory both individual and collective—when not only individuals, but whole armies and navies, have successfully fought and triumphed over our enemies. On such an occasion, every one was prepared to sympathize with him; and the gratification of the individual himself was as great as the gratification of the House. (*Hear!*) The occasion before us was certainly in as great a degree as any former occasion, full of those gratifying circumstances. I am not aware that any thing in any former period of our history exceeds the merits of the late campaign in Portugal. I believe that such an instance of the most distinguished merit, attended with the most fortunate result, and so little of loss to set against that result, was hardly ever presented to Parliament before. I have thought proper to point out to the House the smallness of the loss, because on many former occasions, when thanks have been voted for distinguished military achievements, the scene has been darkened with gloom, and with a shade of melancholy, from circumstances which had occurred during these achievements. On the late victory at Talavera, and still more recently at Barrosa, men's minds were naturally called back to consider the loss with which these victories were attended, and to compare that

loss with the advantages with which they were followed.—This did not indeed diminish, nor detract from, the merit of the individuals by whom these victories were achieved; but it certainly did diminish the satisfaction which on such occasions must be felt by the country.—And here I will call to mind one of the most distinguished victories in the annals of our country—I will call to mind the illustrious victory of Trafalgar—and I will ask whether on the receipt of that victory, the sentiment of the public mind was not divided between joy and sorrow, and whether it was not then generally believed that the advantages of the victory were more than compensated by the loss of Lord Nelson? Who can doubt, that if the question had been then put to the nation, that a majority of voices would have been raised to forego that victory, if the life of Lord Nelson could have been redeemed? I will not say whether or no such sentiments are philosophical; but I will say that they are natural to the human mind, and will exist so long as human nature shall continue—and that we ought surely to hesitate before proceeding to condemn them. Having dwelt so long on this subject, I return with satisfaction to express how clear we stand of any such diminution on the present question, and how little there is to counterbalance the general joy. (*Hear!*) The House will do me the justice to believe that I do not at present intend to enter into a detail of the numerous achievements of Lord Wellington in the late campaign. It is but due, however, to Lord Wellington, while we attribute to his industry, to his energy, and his indefatigable exertions, the successes of that campaign, to ascribe them also to his caution, moderation, and forbearance, to his care of the men entrusted to him, to the enlightened foresight with which, at the commencement, he contemplated the conclusion; and saw, at the commencement, that the conclusion could not fail to be successful. It is to a re-union of all these causes that we are to ascribe the successes of Lord Wellington I will not, however, enter into any detail of these successes at present, persuaded as I am that no speech of mine could do them adequate justice, and the achievements of Lord Wellington must be left to the historian. I think, however, that the object which he had in view when managing and directing the campaign, may be brought before the House, that we may be enabled fully to appreciate its events. I will not at the present moment enter into any merits of the system which has been

adopted in the warfare on the Peninsula, whether that warfare should have been carried on by large collective bodies, or by detached bodies of men—whether our operations should have been merely confined to Portugal, or extended to the rest of the Peninsula; for all those questions are beside the object of our present deliberation; because the defence of Portugal alone was entrusted to Lord Wellington, and all that we are called on to do, is to ask ourselves in what manner he has discharged that trust. I shall only call on those who think the system on which Government has acted unwise, and that the successes which have been obtained, have been obtained against every probability, to concur in the present vote. I cannot but think, that they will be the most ready to concur in the thanks to Lord Wellington, because they must believe that the advantages which he has gained, have been gained by him against all those circumstances by which their difficulty must have been enhanced. It is to be remarked, however, that Lord Wellington knew that Portugal alone was to be the scene of his operations; that he knew that a large portion of the disposable force of this country was entrusted to him, and that that force was not to be thrown away; that he knew that he had also consigned to him the population of Portugal, which he was instructed to discipline; that in this view he knew he had the means of defending Portugal; that he knew that if that country was to be attacked with a great force, it was impossible to maintain the complete possession of it; and that he knew that he could only look to its ultimate defence on the lines of Lisbon. Why then, it might be asked, did he go to the frontiers? It is to be considered, however, that one of the objects which he had in view, was to acquire time for the discipline of the Portuguese army; that another of these objects was to gain time for the arrival of reinforcements from this country, to be procured from all the quarters from which they could be spared; that he had always in contemplation the difficulty which an enemy should find in the subsistence of a numerous army, while Portugal continued the seat of war; and that if he moved to the frontiers, it was impossible for the enemy to operate but in great numbers. It was for these reasons he thought proper to carry the war, to keep the war, at a distance: but it is but justice to state, that while he was defending Portugal on the banks of the Coa, he was carrying on the fortifications at Lisbon; and that while he was giving security to the frontiers, he was adding strength to the heart,

(*Hear!*)—When the enemy appeared in numbers, he then retired to a stronger situation.—If I have dwelt on this general view of what were the views entertained by Lord Wellington in the defence of Portugal, it is solely with the intention of meeting what I must consider one of the most unjust observations, namely, that the result was accidental, and was not to be expected either from rational or military considerations. This was one of the most unjust criticisms which ever was made. For if any thing was more true than another, it was the difficulty he foresaw the French army would have to subsist themselves, while he should remain within these works; and therefore, whatever other opinion may be entertained of his conduct, it is impossible not to allow that the opinion which he from the first formed has been completely realized. I will read to the House extracts from two letters received from Lord Wellington at the period when he was retreating before the French army. One of these letters is dated from Cartaxo, on the 1st of December. [Here he read the extract, in which Lord Wellington states his resolution of remaining on the defensive, from his occupying a more advantageous ground than the enemy, which in case of attack must ensure success; and that the difficulties of the French army could only be relieved by a success over the allied army, and stating his determination to put what was certain out of the power of accident.] On the 29th of December, his lordship says, that while the French had no other enemy but that army to oppose them on the Peninsula, any loss to the army could not fail to be attended with the most serious consequences; and that he had therefore resolved to persevere in what would eventuaally end in the destruction of the enemy; that it was no doubt true, that many parts of Portugal would suffer extremely in the mean time, but it was better that a part than that the whole should be sacrificed. I have no doubt, continued the right honourable gentleman, that previous to the appearance of the French army in Portugal, Lord Wellington might entertain some doubts of the ultimate success; but after he had seen that army, he expressed himself with confidence. [Here he resumed the reading of the extract, when Lord Wellington stated his firm conviction of the ultimate success of his measure.] When I hear, therefore, such expressions as that we ought "to thank our stars and be quiet," I will tell the makers of all such observations, that I shall thank no stars; but that, when thanking my God for the successes of my country, I cannot hold my tongue while the

merits of him by whom they were obtained are called in question; and that I shall always be proud to be able in any degree to defend the glory of that illustrious man. I will not here enter into a detail of the various distinguished actions which have from day to day been exhibited during the whole campaign, down to the last act of valour of Colonel Beckwith, on the banks of the Coa, for fear lest while I distinguished a few I should omit many of equal merit. Having taken, however, this general view, and knowing the great acquisition of military glory to the country, and the small loss at which it has been purchased, I cannot help adverting, for a few moments, to a few considerations respecting the manner in which that success is likely to affect our enemy and ourselves, our allies and the rest of Europe. With respect to our allies, no man can doubt that it has given them an additional year for the continuance of their struggle; and that they have received a lesson from which they may derive the greatest profit. With regard to ourselves, the campaign cannot, in like manner, be without its advantage. For some time there have been two parties in this country, who have entertained very different sentiments on the situation of the country. While the one party maintains that our glory is set, the other maintains, that at no former period of our history was that glory higher. To those who think that the glory of this country never shone with prouder lustre than during the struggle which we have now so long maintained with France, the present confirmation of their opinion cannot fail to be consoling. But those again, who thought the sun of Britain's glory for ever set, never more again to rise among the nations—those, I should think, would be among the first to congratulate the illustrious glory with which their country has been crowned. To those this glory cannot fail to be most cheering and consolatory, and infinitely more so than to us. We all now know that we shall have a British army to defend our country, if ever the battle shall be brought to our own shores—an army which has uniformly beaten the army of the enemy, headed by Generals who have out-generalled the Generals of the enemy. With respect to that enemy, what must be now his feelings after all his insolent boastings, and what must be now his confusion, when he sees that he is without means to carry his designs into execution? What effects these events may have produced in France it is impossible now to foresee. They may be to that country a salutary lesson, while they

demonstrably prove, that extension of dominion is *not* in reality an increase of strength. With respect to the effect of these victories on other parts of the world, they will at least point out to them the rock on which they themselves split. With these views, which to some persons may perhaps appear too sanguine, I will own that it does appear to me impossible to conceive that the world should for ever remain enthralled under its present degrading tyranny; and that it does not appear to me unreasonable to suppose that we may be the instruments by which the delivery of Europe may be effected; and that, in that Peninsula, which has been the scene of the most unprincipled acts of aggression, of the most outrageous barbarity of the tyrant, there the power of the tyrant should also find its grave. (*Hear!*) Whatever may be thought of the probability of these suppositions, we shall now leave them, and revert again to the proper business before the House, the thanks which are due to those who have put us in a situation to entertain such proud and ennobling sentiments. As long as feeling shall remain in favour of valour, so long as the hearts of men shall continue to be affected by distinguished military glory, a glory acquired not in the support, but in the resistance of tyranny, in the most righteous cause for which the sword can be drawn; so long shall the fame of Lord Wellington stand embalmed in the memory of a grateful posterity, and so long shall he continue to receive the thanks of mankind. (*Loud applause.*) The right hon. gentleman then concluded, with moving, That the Thanks of the House should be voted to Lord Wellington, for his distinguished military services in Portugal, and to the Army under his command.

Mr. Canning then said, that in rising to second the motion of his right hon. friend, he felt some difficulty in deciding whether he should content himself with barely seconding the motion, or preface the declaration of such intention by the expression of his sentiments upon the subject to which the motion referred. There were many situations in which we felt equally difficult to determine, either to speak or to be silent. The impression, however, on his mind, upon this occasion, was so forcible, as to render it impossible for him to abstain from addressing a few observations to the House before it should come to a vote. It was impossible, according to his view of the question, to contemplate the true situation of the country under the present circumstances, without taking at the same time into consideration, as well

the means by which that situation had been brought about, as the advantages that were likely to result from it. One of the consequences of that situation was, that, in deciding upon the question then under their consideration, they were relieved from all the difficulties which usually attended such votes. Engaged as the country was in a contest of such magnitude and extent, it seldom happened that unanimity was to be expected—that the merits of the services to be remunerated appeared to all persons in the same light—or that it was felt unnecessary, more or less, to compare the means with the end—the exertion with the effect. Whenever upon any occasion a failure unfortunately took place, every particular was minutely inquired into, every action examined, every probability canvassed, and the necessity of failure clearly demonstrated. All this usually took place after the result was known, and when the test of experience removed every difficulty of judgment, and the event itself furnished the means of an unerring decision upon the measures which may have been resorted to. Whenever, on the contrary, success was brought under the consideration of Parliament, the debate was generally ushered in by deprecating all discussions of the events or measures which may have preceded the particular service to which the attention of Parliament may be called, and by insulating the object to which the vote of Thanks called for applied; whilst those even who acquiesced in the vote, felt it necessary to keep out of sight every thing which might have preceded the particular service. This was quite a natural practice. There were many actions which, whatever may have been the character of the system of measures that led to them, could best be made a subject of discussion upon the splendour of their own merits. But was the question then under consideration the case of insulated action in a series of operations, or even of a single campaign brilliantly terminated? Notwithstanding all that his right hon. friend had said, of forbearance as to the introduction of other topics into the discussion, he must be permitted to say, that this was not the case of a single signal action, or of an isolated acquisition of glory; it was, he should contend, the fruit of two years' exertion—of the application, during that period, of an understanding of the first order, combined with military talents scarcely ever equalled in history, to a state of difficulty unparalleled, and crowned with exemplary success. He considered this state of things, therefore, which they were about to honour with their thanks, not as the consequence of one campaign, but

as the result of the labour of two years. He considered Lord Wellington, in the accomplishment of the success he had achieved, as the instrument in the hands of Providence for the deliverance of Portugal. But when contemplating the merits of Lord Wellington's services in Portugal, he could not look to the evacuation of that country by the French as a military act, without reference to the means by which that desirable event had been effected: and while the end was so well deserving of the applause of that House, and the approbation of the country, he must contend, that the means employed for bringing it about were no less entitled to credit. His right hon. friend had adverted to the effect which this state of affairs would have upon ourselves, upon our allies, upon our enemies, and upon the rest of Europe; and he concurred with his right honourable friend, that the effect must be considerable with respect to all. To look, first, to the effect it would have upon ourselves, he would ask, whether, when two years ago we had taken the resolution to make our stand in Portugal—when we determined to make that country the theatre of our struggle with France—the question was not considered doubtful, how far we might be able to maintain the contest? Whether those even who thought success attainable, did not feel that it was still a question of doubt? But when the determination was formed, those who looked to the contest with confidence, took the most effectual means of realizing their sanguine hopes, by the selection of a man to conduct the operations, whose natural genius and military experience insured the accomplishment of all that was attainable by human sagacity—who, calculating his means, and comparing them with the end he was to accomplish, would take every necessary measure to insure it. How could the House sufficiently appreciate his merits, when they followed him from the fatigues of the day to repose in his tent; and contemplated his feelings whilst looking for consolation from home under his laborious duties—when, instead of consolation, he found accusation—instead of encouragement, misrepresentation and obloquy—when he found all his dangers magnified, and all the means of the enemy uniformly exaggerated—when every one of his measures was traced to temerity or compulsion, and all the movements of the enemy to wisdom and military skill? When they took all this into their consideration, it was impossible not to conceive what his feelings must have been, and not to ascribe his steady and unaltered perseverance in

the plan he had previously laid till its final and glorious accomplishment, to real magnanimity and true valour. (*Hear, hear!*) Whilst exposed to such misrepresentations, he never deigned to notice any of the unfounded statements he saw published upon the subject: he determined not to reply to them in words, but to let the result put them to shame. (*Hear, hear!*) During this time he saw all his plans ripening into maturity; and, steadily prosecuting his purpose, he forbore, throughout the whole of his correspon lence, from introducing one word expressive of discontent. If there was any thing which could not be contemplated without admiration, it was the case of a man exposed to such misrepresentation, and yet disdaining to indulge in any expression of his feelings. But what Lord Wellington had done was either beneficial or ruinous. They had now, however, come to that state, when they could look back without regret, or look forward with hope, and when, consequently, they could discuss the question with many advantages. His right hon. friend had adverted to opinions which had divided, and fairly divided, the country, as to whether the strength of this country was equal to maintain the contest in the Peninsula against France—whether we could bring our military means, with any prospect of success, into competition with that of the enemy—whether our strength was not necessarily confined to one element—in short, whether some eternal fate had not separated the trident from the sword? He did not think with those who inclined to distrust the military means of this country; and rather leaned to those who thought that this country should either become a great military power, or a vassal of France. She had, then, become a great military power—not against the hopes certainly, but against the fears of those who had doubted of her sufficiency. Others were of opinion, that we ought not to engage as principals in a war on the Continent, but the vote of that day would bring that question home to the House: a question from which they could not escape. With all the right, which we had, to demand the confidence of Portugal, to require her co-operation, and to control her military resources, would it have been right in us to incite Portugal to war, and to decline sharing in its difficulties or dangers? Those who thought that we should not act as principals, were of opinion that our assistance should have been given by desultory expeditions; by supplies of arms, provisions, and ammunition. But expe-

ditions for making descents included re-embarkations; and that, as often as our expeditions re-embarked, we should leave as many victims behind as we should induce to co-operate with us; and should expose to destruction all those whom we should drive to an unavailing resistance to that overwhelming power which we should not think we could ourselves meet with safety. Could any man think that we ought to desert those who implored our protection, who might be stretching forth their arms to grasp our swords, and anxious to place themselves under the shelter of our power? We acted upon no such opinion; we became principals in the war; and what has been the result? We carried on our own war in Portugal—we had brought our army to a state of efficiency competent to meet the enemy if he should invade us, and enabling us to daunt him to the attempt: this alone was sufficient to intitle Lord Wellington to the thanks of the House and of the country. As to the effect the result of the campaign would have upon our present or any future allies, he could not suppose it inconsiderable. His right hon. friend had adverted to the effect it might have upon the other nations of Europe: he hoped that any such effect would not operate too soon, and that we should still be left to contend with the French—the world the prize and the witness of our exertions. He trusted that no attempt would be made to urge any part of Europe to a premature effort, such as had too often been the case; and he would own, he had not heard with unmixed satisfaction the rumours respecting convulsions on the Continent, which were afloat, but which he hoped were not authorized. If any resistance were to be given to France, he wished it to be upon a conviction that the nations rose in their own cause—because their oppression was intolerable—because they preferred the risk of annihilation to the severity of subjection. He feared another Wagram or Auerstadt; and, in his opinion, too sudden a rising would be easily put down, and tend ultimately to confirm the subjugation of the Continent. He wished the nations of Europe to abstain from resistance till France should be more humbled, and their own sufferings should urge them to a desperate effort. With respect to the other part of the Peninsula, he hoped the result would be, that it would place itself under the same guidance; but that nothing ought to be said, either here or in Spain, to precipitate the measure. Lord Wellington, he was sure, by the same

wise, temperate, sage, and conciliating councils, would achieve the same successes, wherever he should carry the arms or the glories of his country. Having two years ago taken upon himself the responsibility for the rashness or the wisdom of the measures which led to this deliverance of Portugal, he should not now do his duty, if he had omitted to express his approbation of the manner in which they had been followed up—if he had not paid the tribute of his applause to those who had persevered in that system. This tribute was not extorted from him by success; he had stated the same opinions while the issue was yet doubtful, and no failure could have induced him to alter them. The right hon. gentleman concluded by seconding the motion.

General Tarleton observed, that a great part of the speech of the right honourable gentleman who had just sat down, would apply to the question upon the army extraordinaries, which were to come on, but did not apply to the question then before the House. With respect to the motion of the right honourable gentleman, no man in the army, or in England he should say, could rejoice more heartily than he did, in the success of his Majesty's arms. He concurred most cordially in this Vote of Thanks. He had on a former occasion opposed a vote of thanks for the battle of Talavera; but to this vote he should give his entire assent. He was not surprised at any thing that could be achieved by English courage, Irish spirit, and Scotch intrepidity. An army composed of such materials must be irresistible. He could have wished that this vote of thanks had been reserved till after the fall of Almeida; but that should not make him object to the vote. Still he entertained the opinions he formerly expressed, and considered the system as not judicious. If Buonaparte should not make some great efforts to retrieve his losses, his imperial throne would be shaken; his iron crown would, with its weight, gall his own head, and the King of Italy be an outcast from his cradle. But the affairs were not yet finished. He trusted that Lord Wellington would be successful in making the Peninsula rally round him, and Europe make an effort for her deliverance. No honours that the Crown could bestow would be too great for him.

General Fergusson rose, but should not occupy much of the time of the House. There was, he observed, but one sentiment in the House and in the country, upon the merits

of Lord Wellington and his brave army. He had but one opinion of Lord Wellington; his exploits excited his admiration, but could not surprise him. He should therefore most heartily vote for the motion.

Lord George Grenville could not give a silent vote upon this question. He concurred cordially in the vote of thanks, and in every expression of admiration of the talents and character of Lord Wellington; not from individual admiration, but from the general conviction, that the vote of this night was the most appropriate reward for the eminent services he had performed. The noble Lord then entered into a detailed consideration of the operations of the campaign, and concluded with giving his hearty support to the vote of thanks to the gallant General and his brave army.

Mr. Ponsonby observed, that in the vote proposed, he most cordially concurred. He thought that Lord Wellington deserved the thanks of that House, and of the nation. He was of opinion, that the campaign was judiciously planned, and ably executed; and that the result had not tended more to exalt the glory, than to insure the safety of the country. (*Hear! hear!*)

The question was then put, and carried *nemine contradicente.*

The thanks of the House were then voted, *nemine contradicente*, to the officers, non-commissioned officers, and privates, for their eminent services uniformly performed during the campaign, by which additional lustre had been reflected upon the British arms.

A similar vote was passed, *nemine contradicente*, to thank the officers, &c. of the Portuguese army serving under Sir W. Beresford.

Mr. Freemantle asked whether this vote included all the Portuguese troops in the pay of Great Britain.

The Chancellor of the Exchequer replied in the affirmative.

COMMITTEE OF SUPPLY.

The House then resolved itself into a Committee of Supply.

Mr. Long rose, pursuant to notice, to bring forward the vote for the Army Extraordinaries. The object was to make good the deficiency of the sum voted last year; and the excess this year amounted to 627,000*l.* The army extraordinaries were those sums which could not be reduced within the ordinaries of the army, or which could not,

indeed, be reduced to estimate at all. The army estimates were this year brought forward by the Secretary at War in so very clear a manner, that no explanation would now be necessary from him. The only things which required explanation were the deductions, and those to the amount of 5,833,000*l.* were, in fact, not expended, but only lent from one service to the other. He concluded by moving, "that the sum of 6,270,098*l.* 19*s.* be granted to his Majesty, to defray the Extraordinaries of the Army, from December, 1809, to December, 1810."

After a short explanation between General Tarleton and Lord Palmerston,

Mr. Freemantle rose for the purpose of warning the House with respect to the increasing expenditure of the army. He was aware that our service was at present of a great and necessary extent, but still it was only right that the country should be aware of the consequent expense which was entailed on it. Since the Spanish contest had commenced, a period now of three years, our army had cost us 24 millions per annum, exclusive of the ordnance, which amounted annually to about four millions more. It had been stated last year, on the Walcheren inquiry, by Mr. Huskisson, whose means of information no one could doubt, that an army of 40,000 men on the opposite shore would cost England 300,000*l.* per month. We had now in Portugal 60,000 British troops, and 40,000 Portuguese in our pay, which, at this rate of calculation, would amount to one million per month. This, every man must confess, was a great and powerful expenditure. When he said this, however, he did not, by any means, wish to counsel, that our army should be withdrawn from Portugal. The expense was great, but still it was necessary. In addition to this expense, there was a levy of 24,000 men, wear and tear, every year, which might not only be termed a tax of men, but of money also. It had been stated by a member of the government, some time since, that we lost 30 per cent. on all money which we sent abroad. This system was expensive now, and its continuance must necessarily produce an increase of this expense. Having felt it his duty to state thus much, he must add, that he by no means desired to undervalue the success of Lord Wellington. So far from it, that he was anxious to rise in the late debate, to give his mite of applause to the gallant General, but to give it in the temper with which the Chancellor of the Exchequer pro-

posed that it should be given, namely, abstracted from all consideration of the policy of the original plan.

The Chancellor of the Exchequer said, that, undoubtedly, in the late debate, if the honourable gentleman acceded to his wish, he would have abstained, had he risen, from all comment on the original policy of the campaign. A good opportunity had now arisen for the discussion of that subject, but still the honourable gentleman continued silent. Professing, then, as he had done, his desire to discuss it, and not doing so when an opportunity offered, he could only infer, that the plan had met his complete acquiescence, and that he had at length been convinced of its wisdom and its policy. (*Hear! hear!*) He hoped that he might now conclude that the honourable gentleman allowed the policy of the plan, and the importance of acting on it. What was the practicable object of the honourable gentleman's warning to the country about the expense of the army? The honourable gentleman declared the expense to be great; so did every person. Every one, also, allowed it to be necessary, and so did the honourable gentleman; and here ended his "warning." (*A laugh!*) The excess of this year's extraordinaries over those of last year was only 600,000*l.* which must have been very reasonably expected. But even this would not have been the case, perhaps, had it not been for the very unfavourable state of exchange. He denied that any member of the government had said that the loss in every hundred pounds which we sent abroad amounted to 30*l.* The assertion was, indeed, in his recollection, but it came from a right honourable gentleman (Mr. Ponsonby), on the other side of the House; who, unfortunately not being a member of the government, could not have very authentic sources of information. The honourable gentleman did not, however, it seems, wish to withdraw our troops from Portugal; he did not wish to do that which could alone diminish the expense. No; he thought the expense necessary to the country. Where, then, in the name of wonder, was the use of the "warning?" No man regretted more than he did the expenses entailed upon the country. Concurring, however, as he did with the hon. member, that though the expenses were great, they were necessary, he must think it the duty of every man to exhort the country to bear them patiently, and not anticipate inconveniencies; which he trusted in God would never occur, but which, if they did occur, would carry with them

the consolation that they were incurred in a just cause and through unavoidable necessity. (*Hear! hear!*)

After a few words from Mr. Freemantle and General Tarleton, in explanation, the grant was voted, and the remaining regular extraordinaries voted.

Adjourned.

HOUSE OF LORDS.

MONDAY, APRIL 29.

TOLERATION LAWS.

Lord Viscount Sidmouth gave notice, that he should on the 9th of May (Thursday) call their Lordships' attention to the important subject he had before noticed, and should on that day state his sentiments at length. His Lordship moved, that the Lords be summoned for that day.—Ordered.

HOUSE OF COMMONS.

MONDAY, APRIL 29.

Lord Palmerston brought up a Bill for increasing the Inn-keepers' rates for soldiers.

Mr. Giles took that opportunity to observe, that much inconvenience was felt in recruiting from the Local Militia, in consequence of the recruiting being carried on for general service, and not for any particular regiments. He also wished to know how the adjutants were to pay the bounties to the men enlisted.

Lord Palmerston replied, that officers were employed to recruit for particular regiments, besides the officers employed to recruit for general service; which latter species of recruiting was considered an experiment well worth a trial. With respect to the payment of the bounties, that was to be provided for by drafts on the pay-masters of districts.

The Bill was then read a first time, and ordered to be read a second time to-morrow; as was also the Portuguese Trade and Shipping Bill, brought in by Mr. Rose.

The House having resolved itself into a Committee of Supply, to which the report of the Commirtee on the state of King Henry VIIth's chapel was referred, a sum of

3000*l.* was voted. on the motion of Mr. Wm. Dickenson, to be applied to the repairs of that chapel. The House then resumed, and the report was ordered to be received to-morrow.

Sir Francis Burdett observing that an order had been made on the 27th of February last, for the production of an account of the ships and property taken and detained previous to the year 1795, and placed under the Dutch Commissioners; and also an account of the amount and final adjudication of the Danish ships and property detained and brought in before the declaration of war in 1808; and that no return had yet been made to either order, moved that the said returns be made forthwith.—Ordered.

It was also ordered, on the motion of Sir Francis Burdett, that there be laid before the House an account of all separate monies paid out of the treasury by way of remuneration to persons having property or effects in foreign countries sequestered on the ground of retaliation, distinguishing British subjects so remunerated from grants made to Foreigners.

Ordered, on the motion of Sir John Sinclair, that there be laid before the House an account of all the private Bills which had been passed since the year 1784 to the latest period, distinguishing roads, canals, lands, railways, &c.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 30.

BULLION REPORT.

Mr. Tierney wished to ask the right honourable gentleman opposite (the Chancellor of the Exchequer), whether he would have any objection to postponing the Committee on the Bullion Report from to-morrow to another day. The Resolutions proposed by the right honourable gentleman, whom he did not then see in his place, (Mr. Vansittart), created the necessity for some farther delay, in order to enable gentlemen to make themselves fully acquainted with the nature and bearing of these Resolutions. From the consideration which he had been able to give the subject, and he had paid particular attention to it, he was satisfied, that, as the Resolutions were framed, they were not calculated to convey an assertion of facts according to the evidence. It was, there-

fore, material that gentlemen should have a better opportunity of making up their minds upon this important question; an opportunity the more necessary, as some gentleman might feel it his duty to submit to the House some counter-resolutions, in opposition to those of the right honourable gentleman. For himself, he must say, that he should not pledge himself to bring forward any such resolutions, though he hoped some other member would. But of this he was certain, that, to the Resolutions of the right honourable gentleman, as they were framed, it was absolutely impossible for any gentleman to give either approbation or dissent, except on general principles. On general principles he should be ready to give his vote against them; but as it was desirable on all hands, that the question should be decided upon the particular merits, he trusted the right honourable gentleman would not make any objection to a short delay, for the purpose of enabling gentlemen to come to the discussion with minds fully made up on the subject.

The Chancellor of the Exchequer was rather surprised to hear this application from the right honourable gentleman; because it must be in the recollection of the House, that when his right honourable friend read his Resolutions, and a suggestion was made as to the necessity of some postponement of the discussion from Monday, an honourable member (Mr. H. Thornton) remarked, that having heard the Resolutions read, they did not appear to him to suggest any new idea upon the subject, or to involve any matters which were not familiar to those who had considered the Report, and that therefore no postponement of the discussion was necessary. For his own part, he fully felt how disagreeable it was to defer still farther this discussion, which had been so long hanging over their heads; but was at the same time sensible how aukward it would be to hurry on the discussion when any gentleman desired a short delay of forty-eight hours, or a few days, in order to come better prepared to the consideration of the question. He was of opinion, however, that if the proposed delay, which he understood to extend to Monday next, should be assented to, it should be on an express understanding, that, if in point of fact any counter-resolutions were to be proposed by the right honourable gentleman or any other honourable member, they should be communicated to the House on Friday next, previously to the debate on Monday. With respect to the delay, he rather thought, that though his right honourable friend (Mr. Van-

sittart) was not present, with whom the power of consenting rested, he would have no objection to acquiesce in the arrangement proposed.

Mr. Charles Adams could take upon himself to consent to the delay on the part of his right honourable friend, whose authority he had to say, that he would have no objection to the delay required.

Mr. Tierney disclaimed having given any pledge that he would bring forward any counter-resolutions; though he thought it likely that some other honourable gentleman might do so.

The Chancellor of the Exchequer observed, that he had not charged upon the right honourable member having given any such pledge; neither did he wish the right hon. gentleman to bring forward any counter-resolutions. He should be much better satisfied at his concurring in the Resolutions of his right honourable friend (*A laugh*).

Mr. Horner, so far as he was personally concerned, was perfectly prepared to go into the discussion at any time: but he must observe, that these were Resolutions founded upon an extensive mass of evidence, which it would be impossible for gentlemen to decide upon justly, without making themselves acquainted with that evidence particularly. Several of the right honourable gentleman's Resolutions were not consistent with the evidence, and only calculated to mislead the House. If gentlemen had not time, therefore, to consider the evidence, it would be extremely difficult for him to convince them that the Resolutions were not borne out by that evidence. There were some of the Resolutions which he considered unfounded: the fifth, for instance, assumed four or five things as facts, which he contended were not facts, but which it would not be easy for him to shew not to be facts, unless gentlemen were to be fully in possession of the evidence.

The order for the Committee on the Bullion Report tomorrow was then discharged, and fixed for Monday next.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 1.

CRIMINAL LAW.

The Marquis of Hertford presented a petition from certain owners of bleaching grounds in the North of Ire-

land, stating the insufficiency of the law, as it at present stood, to protect their property, expressing their opinion, that if the capital punishment was taken away, and a punishment of lesser magnitude, but more certain in its effect, substituted, it would tend in a greater degree than at present to prevent the depredations committed on their property; and praying that the Bill now before the House for that purpose might receive their Lordships' sanction.—The petition was ordered to lie on the table.

Lord Holland stated, that he had a petition of the same nature from persons of a similar description in this part of the United Kingdom, which he would take an early opportunity of presenting.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 1.

The Slave-Trade Felony Bill was read a third time and passed.

THEATRES.

Mr. Taylor gave notice, that on the 9th instant he would move for a Select Committee, to inquire into the Privileges enjoyed by the Theatres Royal, and the benefits which the Public derived from these Privileges, and disadvantages to which they were subjected in consequence of their existence.

BULLION AND BANK NOTES.

Mr. H. Thornton moved for an Account of the Amount of Bank Notes in circulation on the 1st of every month of the years 1781-2, distinguishing Bank Notes from Post Bills.—Ordered.

Mr. Vansittart moved for an Account of the Bank Notes in circulation in the years 1798-9, 1800-1-2, distinguishing those under five pounds, together with a Copy of any information possessed by the Bank relative to the Price of Gold and Silver Bullion, from 1736 to 1746.—Ordered.

Sir P. Murray presented papers relative to the late disturbances at Madras.—Laid on the Table.

SICILIAN TREATY.

In a Committee of Supply, to which the Sicilian Treaty was referred, *Mr. Perceval* moved, that 400,000*l.* be granted to the Prince Regent, to make good his Majesty's engagement with the Sicilian Government.

Mr. Whitbread did not rise with any hope of being able to persuade the House to dissent even from the amount of the sum to be granted. Neither did he propose again to enter upon those arguments which he had before used, and which had been so much better used by others on the subject of the Sicilian Treaty. But he still hoped, notwithstanding what had passed, notwithstanding the exultation of the public mind, owing to our late success, that gentlemen would keep an anxious guard over the expenditure of the public money. The House had no information as to the manner in which this grant was to be applied. At a time when it was proposed to give away so much of the public money in this way—when they were expending so much for the protection of the Island of Sicily—for British purposes let it be—but still, when they were defending it at such a price—at a time when they were subsidizing the Court of Sicily, it became the members of the House of Commons openly to declare, that some attempt should be made on our part to induce the government of that island to remedy its defects—without which, no grant, no aid would be available in the end. For a more profligate government, or a more oppressed people, did not exist, nor ever had existed. (*Hear, hear!*) That he believed, and he thought it his duty to say so openly, as well on account of the Sicilians, and even their king, as out of regard to the interests of this country. Still he had no hope at present of persuading the House even to reduce the amount of the grant. But before he sat down, he could not help, however irregularly, expressing his regret that he had not been present when the vote of thanks to Lord Wellington had been submitted to the House. His absence on that day had been owing to public avocations not to be dispensed with—which could alone justify the absence of a member of Parliament on occasions of great public importance. On all such occasions, whether the benches were full or empty, no business of a private nature, no allurements of pleasure, should ever prevent him from attending in his place. He most heartily concurred in that vote of thanks; (*Hear, hear!*) and he

regretted his absence the more, because he would have been enabled then to have done what it had seldom been in his power to do; he would have felt himself called upon to praise the conduct of Ministers for having selected a General in whom they themselves could completely confide. (*Hear, hear!*) He would have been able to say too, that notwithstanding the doubts which he had entertained of the conduct of the campaign; though he had hesitated much as to the propriety of the proceedings at different periods, and though he had thought some of them extremely questionable, yet when the whole was developed, and appeared but parts of one vast plan, of which the success had evinced the wisdom, he would have been enabled to say that Lord Wellington had richly deserved the thanks of the House and of his country. He would have acknowledged the great talents which that gallant officer had displayed, and brought his feeble voice in aid of the great fame which he had acquired on this occasion. He would have borrowed the quotation of an eloquent young member of that House, and who was likely to become one of its greatest ornaments, without however admitting its premises—*invidiam gloria superavit.*—(*Hear! hear!*) But notwithstanding the change of fortune that had taken place, whether affecting the situation of the Peninsula or of Europe, he should hope that the Government of this country would regulate its conduct by the dictates of moderation; that it would not, in the intoxication of success, lose sight of this great truth, that the only legitimate object of war was peace: a truth more especially to be kept in mind, considering the oppressed state of this and other countries, from the long continuance of hostilities. (*Hear, hear!*) He should hope they would endeavour to use their success for the attainment of that object. How this was to be done, he did not pretend to advise; but this great object ought always to be held in view; and he trusted that Ministers would not be led away by undue exultation at their success, but would, if possible, make it subservient to this desirable end. He had been anxious to take this opportunity, the first of which he could avail himself, to throw out these observations; but, as he had already said, he would neither oppose the grant, nor attempt to persuade the House to diminish its amount.

Mr. Perceval observed, that it would be too much to expect, that the House, after having gone so far in enabling Government to comply with the stipulation of this treaty, should now either refuse the grant, or diminish the usual

amount. He could not, however, but regret the way in which the honourable gentleman had thought proper to speak of the government and the people of Sicily; for nothing was more likely than another to prevent the success of our efforts for the defence of Sicily, or of any applications, supposing it were proper to make such, for the amelioration of its government, than declarations of this kind, tending to set the people in opposition to their government. Such language could surely have no tendency to second the grant of the House in promoting the general cause. The effect of British assistance had been as yet to save the island of Sicily from the grasp of France, and this was at least a strong reason for continuing that assistance. He was glad that the honourable gentleman had taken this opportunity of expressing his sentiments on the events in Portugal. He had done so, in a way most creditable to the object of his commendation, and no less creditable to himself; in a manner indeed more open and candid than perhaps, under all the circumstances, could have been expected, even from his liberality. In the name of Lord Wellington, therefore, he thanked him. As to the general sentiments thrown out by the honourable gentleman about peace, in these all must be agreed; but if the honourable gentleman thought that this would be a favourable opportunity for making a proposition of this kind, or that the late events were likely to produce any moderation on the part of our adversary, he widely differed from him in opinion. That peace was the legitimate object of war, was certainly true; but whether it could be usefully attempted at the present moment to bring about that desirable object, he would leave the House to determine.

Mr. Whitbread wished to vindicate himself from the charge of a want of prudence in characterizing, as he had done, the government and people of Sicily. Considering that the oppressed state of the people of Sicily and the vices of its government were known to Europe and the world, he thought it idle to attempt their concealment. He thought it the duty of a member of the British House of Commons, in voting a supply of this kind, to proclaim the circumstances aloud, in order to shew that they were not insensible to those defects which must tend to defeat the object for which the money was granted. The right honourable gentleman appeared to think that he (Mr. Whitbread) had said that a speedy peace might easily be brought about. He had said no such thing. But it was no common-place ob-

servation to say that it ought always to be kept in view, that peace was the great object of legitimate war. Often during the space of twenty years past, had the government lost sight of the moderation which he recommended. Often had the nation, influenced by the government, been taught to believe that peace would be its destruction. Often had they both, upon any partial success, been enthusiastic enough to imagine that this would lead to the overthrow of the government of France. Whether peace could now be attained, he could not say. The thing, perhaps, was not very probable, but still it was possible; and it was impossible to know what might be done till the trial was made. Many opportunities, in his opinion, had been neglected. Now he saw a moment of pressure on the part of the enemy, and of success on ours, and he would take advantage of that circumstance to make an attempt at peace. He might be enthusiastic in his notions on this subject; but such was his opinion, and he was bound on a matter of such importance to declare it.

Mr. W. Smith remarked, that considering how notorious the state of the government and people of Sicily, was, he thought it wisdom and sound policy to urge such reformations as might be effected without tumult, and convince the Sicilians how much the British were interested in their favour. British troops would then be considered as friends, and the inhabitants would always be ready to assist them on an emergency. He should have been glad to have heard, whether any effectual representation had been made in favour of the people of Sicily—for if their condition were considerably ameliorated, the island, and even the government, would be more safe, and our defence of both would be much more easy. With this persuasion on the part of the people, the troops there would be equal in effect to double their number, and we should be subject to much less expense both in men and money. Some small inconvenience there might, perhaps, be in adverting to the state of the government and people of the island so openly, but in a large view of the matter the advantages were incomparably greater. It was upon these principles that his honourable friend and himself felt themselves called upon thus publicly to state what benefits might be derived, not only to Sicily, but to this country, from an amelioration of the Sicilian government.

Sir T. Turton had expected to have heard that some re-

presentation had been made. If we had been connected with the Sicilians merely as allies, there might be considerable objections to our interference. But when we defended them as principals, it was a perfectly legitimate object to recommend to them such amendments as would materially contribute to that defence. He would have suggested such alterations as were essential to the effectual defence of the island. There was hardly an officer in the British army serving in Sicily, as he had heard, who did not consider the government of that island as more to be feared than all the Murats in Naples. The general opinion among them likewise was, as he understood, that Sicily ought either to be evacuated or taken into our own hands. With regard to the question of peace, if there was a moment to treat more favourable than another, it was when we were successful. The occasion, he thought, called for an effort to ascertain whether France would yield the independence of Spain. He would not crouch at the feet of France, and crave a peace—but this was a time when they might propose to France to acknowledge the independence of the Peninsula with some chance, however small, of success. He was not afraid to encounter whatever unpopularity might at this time attach to that opinion. As to the grant under consideration, he did not see how it could now be refused. He would say nothing farther, therefore, on that point; the country not being yet prepared for a resolution, either to evacuate the island, or take it into our own hands, unless some alterations favourable to the people could be made in its government.

Resolution agreed to, and report ordered for to-morrow.

IRISH PRESENTMENTS.

Sir John Newport adverted to an Act of Parliament, requiring that the Presentments of Grand Juries in Ireland should be transmitted to the Irish Secretary, for the purpose of being laid before Parliament. He wished to know why this had not been done? (No answer.) The question really deserved an answer, as the provision of an Act of Parliament had not been complied with.

Mr. Wellesley Pole wished the honourable Baronet had given him some notice of this, and then he would have been better able to answer. But he would inquire into the matter, and give the honourable Baronet an answer either in or out of the House, as he chose.

Sir J. Newport would prefer receiving the answer in the House, as this was a public concern, arising upon an Act of Parliament. (*Hear, hear!*)

Sir J. Newport moved for copies of the representations made to the Commissioners of the Stamp-office in Ireland as to the evasion of the duties on legacies and probates of wills, in the years 1809, 10, and 11; together with an account of the measures that had been taken in consequence.

Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 2.

The Slave-Trade Felony Bill, and some local and private Bills were brought up from the Commons by Mr. Brougham, Lord Leveson Gower, Mr. Babington, and other members, and read a first time. The Slave-Trade Felony Bill was ordered to be printed.

HOUSE OF COMMONS.

THURSDAY, MAY 2.

The Speaker communicated to the House the reply of General Graham to the Vote of Thanks for his gallant conduct in the battle of Barrosa, expressing his deep sense of the honour conferred on him.

MONMOUTH CANAL.

Mr. H. Smith rose to submit a motion to the House on a subject of great local importance, and one in which private rights were not less involved than the interests of the public revenue. It appeared that a boon had been granted to a particular speculation bestowing exemptions on the inhabitants of a considerable district, and on grounds for which no solid or rational foundation could be discovered. He was clearly, therefore, of opinion, that when these exemptions were granted, neither their tendency, nor their extent, were properly examined or fairly understood. The Committee to whom the Monmouthshire Canal Act had been referred, seemed to have adopted the clause conferring the

privilege in a very inadvertent manner. They had with apparent unconsciousness erected a private board of trade, enabling them to encourage at their discretion the import of coals in a particular place. In the year 1809 a quantity of coal had been landed free of duty, by which alone the revenue had suffered a loss of 30,000*l.* A grant at once so unreasonable, and so improvident, ought to be recalled in the manner most expedient, with as little delay as possible. This repeal could not be resisted on any legitimate principle, even of a private nature. The persons constituted into a board were prevented from enjoying an interest in the canal, and of course could not lay claim to the possession of a valuable right. After a variety of additional arguments, the honourable gentleman concluded by moving, "That the House do resolve itself into a Committee of the whole House to consider of the repeal of such parts of the Monmouthshire Canal Act as granted exemptions from the duty on coals conveyed by canal or railway, and gave authority to the grant of bounties on the import of coals, &c."

Mr. Jekyll observed, that he entertained a very different view of the question from that of his honourable colleague. He felt himself called on by the duty he owed to their joint constituents to give all the opposition in his power to a motion the most extraordinary and anomalous which he had ever heard. The clause which his honourable and learned friend represented to have been clandestinely introduced in a Committee, was framed by the then Solicitor General, now a noble Lord, and he himself had seen it in his hand-writing. The question was therefore neither more nor less than whether, after the faith of Parliament had been pledged, and on the foundation of that pledge, capital to an enormous amount had been embarked in various undertakings, the House was now to turn upon those whom it had deceived, and take away what it had originally given? It was nothing less than a new and absurd project for raising a tax at the expense of a manifest injustice.

Mr. Horner opposed the motion, and referred to the prodigious increase in the export of culm from the port of Swansea since the passing of the last Canal Act.

Sir J. Nicholl strongly supported the question, and observed, that the vigilance of the Chancellor of the Ex-

chequer (Mr. Pitt) was probably surprised when this act received his countenance.

Mr. Wilberforce declared, that the county of York and the navigation of the Humber were not less liable to be affected by the proposed measure than the counties of Monmouth and Glamorgan. The town of Hull, containing a population of 30,000 persons, was supplied with river-borne coals in a similar manner. To him it appeared a most mischievous and injurious principle, to attempt any infringement on the rights of private property sanctioned by Parliament, upon any consideration of such infringement proving profitable either to individuals or to the revenue.

Mr. W. Adam said, that the Act of Parliament in 1797 was itself an encroachment on the existing law

Mr. W. Ward said, that those persons who might lay out their capital on the faith of an Act of Parliament, were not bound to inquire how that Act was obtained—it was sufficient for them that the Act had been obtained.

After some further discussion, on the question being put, the motion was negatived without a division.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 3.

Mr. Wellesley Pole, in answer to a question put by an honourable Baronet on a former day, observed, that the first return, under the 49th of the King, was required to be made by the treasurers of the counties in Ireland, relative to the number of presentments previous to the 25th of December last. Twenty-seven returns only had been made to the office of the Chief Secretary for Ireland: but it had been thought better by the person in the office, not to lay these returns before Parliament till the remainder should be received. These returns, however, were ready to be presented, whenever the right honourable Baronet should think proper to move for them. If the right honourable Baronet wished to make an example of some one of the treasurers who had not complied with the Act, he could inform him, that the treasurer for the county of the city of Waterford had not yet made any return.

Sir John Newport wished only that the provisions of the Act should be complied with. He had no desire that any example should be made; and as to the treasurer alluded to by the honourable gentleman, he had no more connexion with him than that honourable gentleman.

COMMITTEE OF SUPPLY.

The House having resolved into a Committee of Supply, to which the accounts presented by Mr. Wharton on the 24th of April and on the 1st of May were referred, the following sums were voted :—

30,000*l.* for roads and bridges in the Highlands of Scotland.

40,000*l.* for the Canal between the east and western coasts of Scotland.

Upon the question upon this vote,

Mr. Abercromby desired to know whether there was any likelihood that this would be soon completed, or whether it was intended that this vote should be continued annually. The project was taken up in the first instance for the purpose of affording employment to the highlanders, who for want of employment were emigrating to other countries; but he was informed, that in point of fact, the greater number of the labourers now employed were from Shropshire.

The Speaker believed that he could answer the question of the honourable and learned gentleman. Though he had himself had no concern with the original projection of this work, he had no difficulty in saying, that, from all the attention he had paid to the subject, and all the information he had received respecting it, he was led to entertain a favourable opinion of its utility. With respect to the progress which had been made in the execution of the work, he had to observe, that it was reported to be half finished in 1809, and consequently must be more than half finished at present. The grant proposed this year was 10,000*l.* less than last year; which arose from the progress made in the work rendering a smaller expenditure necessary. The average number of persons employed was one thousand; but within the last six months that number had been reduced, lest the employment of so many labourers, on such an undertaking, should have the effect of raising the price of labour in the neighbourhood. There was, however, an occurrence which had taken place within the last six weeks, which it might be desirable to

state to the Committee, and it was this—that owing to the pressure of the times great numbers had been thrown wholly out of employment in the north-western parts of Scotland, of whom about 500 persons, who would otherwise have been destitute, obtained employment on this canal. He felt it due to the engineers to state, that hitherto no unforeseen difficulties had occurred in the execution of the work. Any gentleman who wished for information on this subject, would find in the fourth report respecting it, a body of documents containing the opinions of the merchants of Liverpool and other mercantile persons as to the utility of the canal for commercial purposes, independent of the public advantage of facilitating the passage of frigates from the eastern to the western coast of Scotland. As to the description of persons employed, he should say that the result of an inquiry he had directed to be made on the subject shewed the number of persons from England employed in the work not to exceed twenty; and if his recollection served him right, he could state them to be only six.

After a few words from Mr. Abercromby, Mr. W. Smith, and Mr. Vansittart, the vote was agreed to.

7,100*l.* for the works near both Houses of Parliament for the year 1811.

3000*l.* for the National Vaccine Establishment.

6000*l.* for the Royal Chapter House.

25,000*l.* for rebuilding public edifices at Trinidad, consumed by fire.

The vote of a sum of 4634*l.* 4*s.* 11*d.* as a compensation to Mr. Davis, for his loss, by having been kept since 1803 out of possession of the premises of the Old Marshalsea Prison, was, with a view to the production of farther information, postponed on the suggestion of Mr. Whitbread.

The House then resumed, and the Report was ordered to be received on Monday.

PARLIAMENTARY REFORM.

Mr. Whitbread, in the absence of an honourable friend, (Mr. Brand) put off his motion respecting Parliamentary Reform, to Wednesday the 15th instant.

INDIA PAPERS.

Mr. Creevey, adverting to the papers which had been recently laid before the House respecting the military trans-

actions in the Madras army, observed, that on examining them, he found that some had been already before the House, and that others were not necessary for the discussion of the question. He therefore moved, that such only as he selected and pointed out should be printed.

Mr. Dundas would not oppose the motion, but felt it necessary to notice the facility with which motions of that description were allowed to pass, by which the public was put to much expense.

After a few farther observations from Mr. Dundas, Mr. Moore, and Mr. Creevey, the motion was agreed to.

BULLION REPORT.

Mr. Horner rose, and stated, that in consequence of the postponement of the debate on the Bullion Report, he had availed himself of the interval to examine the propositions of his right honourable friend (Mr. Vansittart), particularly so far as they related to facts, wherein they seemed to him to be at variance with the evidence before the House. He had paid this attention to them, in order that, if the House should come to a question upon them, he might be enabled to move some amendments, to correct what he conceived the variance they contained from the evidence. With this view, he had reduced what appeared to him to be necessary to correct the mis-statements of facts, into a plain statement, though he had not yet formed it into the technical shape of Resolutions to be submitted by way of amendments. It might be for the convenience of gentlemen to be put this day in possession of the substance of his amendments, and it was with that view he had risen to read the statement he had prepared to the House. He should only premise, that he had confined himself in this instance solely to facts; and where facts and doctrine were intermixed, he had taken care studiously to separate the facts from the doctrines. The honourable and learned member then proceeded to read the substance of the amendments he had to propose, beginning with the fourth, and ending with the tenth of Mr. Vansittart's series of Resolutions. The general tenour of the amendments went to give a different representation of the facts from that contained in the Resolutions of the right honourable gentleman (Mr. Vansittart); but as the hon. and learned member had not reduced them into the form of Resolutions, and read the Resolutions and the substance of his own amendments alternately, it was not easy to follow

him into the particulars. The honourable and learned member then gave in his statement at the table, in order that it might be printed for the convenience of gentlemen.

HIGH BAILIFF OF WESTMINSTER.

Mr. Lushington moved for the appointment of a Committee to inquire into the nature of the office of High Bailiff of Westminster, with the duties and burthens incident thereto.

Sir Francis Burdett supposed, that this proposed inquiry was intended to precede the enactment of a Bill upon the subject; but as he did not think that any inquiry could ultimately justify such a proceeding, he should vote against the appointment of the Committee. Any Bill such as had been proposed could only have the effect of raising the price of the office of high bailiff, and thereby putting so much additional money into the pocket of the Dean and Chapter of Westminster, without in the slightest degree relieving the officer. The Bailiff was indeed indemnified at present, as might be proved by the success of his action against him for the expense of the election, though he had been nominated without his desire, and returned without his consent. Against the principle of that decision he must beg leave to protest. The learned Judge thought, that when a member of Parliament had the advantage of his seat, it was but fair that he should bear the expense of his election. Now, though undoubtedly the learned Judge might have had good reason for his decision, though he might personally have found his seat profitable and advantageous, still he (Sir Francis) could not see any advantage to be derived from a laborious discharge of one's duty in that House.

Mr. W. Wynne supported the motion. He thought that the return of a member to Parliament ought to be unattended with any personal expense; and threw out as a hint, that in the present instance, perhaps, the best way would be to defray the charge by a rate upon the city of Westminster.

Mr. Peter Moore, Mr. Lockhart, and Mr. Lushington, said a few words each, when the motion was agreed to.

Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 6.

DISTILLERY BILL.

The Earl of Selkirk presented a petition from the county of Fife, and the Earl of Morton one from the county of Air, against the Bill. Lord Holland also presented a petition, and the Earl of Hardwicke another.

On the motion for the second reading, the Earl of Hardwicke made some observations against it. The Earl of Suffolk spoke at some length in opposition to the Bill.—Earl Bathurst made an able speech in its defence, in which he entered into a great number and variety of calculations to shew the propriety of its adoption. His Lordship argued, that assuming the price of barley at 38*s.* and sugar at 70*s.* 9*d.* the expense of the use of either would in effect be the same. The Earl of Aberdeen opposed the Bill, as did the Earl of Rosslyn, in a long and argumentative speech, in which he entered into, and controverted, the calculations of Earl Bathurst, and contended, that the principle of the measure was to give a preference and bounty to sugar, and to take away the just advantages of corn, by which it would lay a tax of 690,000*l.* on the people for the benefit of the sugar growers.

The Earl of Hardwicke moved, that the second reading be postponed till that day six months.

Lord Holland argued very ably in support of the Bill.—He thought the ideas of its evil results greatly exaggerated. It was not a question of a broad speculative nature. If it were, it would be better to go into a consideration of the whole system and principle of our corn laws, which required great revision. The mode proposed he thought perfectly fair; for both the West Indians and the corn growers complained that their interests were not sufficiently consulted. He likened their case to that of the handicap. He contended, that it would be most unfair to give the benefit of competition to the farmers of France, and refuse all its advantages to our own ruined and starved West-India colonists. This was the light in which the question should be viewed. He concluded a very able speech, by giving his support to the Bill.

Lord Grenville made a very eloquent speech against the Bill, in which he pointedly animadverted upon the misconduct of our commercial administration. The House divided on Lord Hardwicke's amendment—

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The Bill was therefore lost by	20

Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 6.

WAYS AND MEANS.

The House resolved itself into a Committee of Ways and Means.

The Chancellor of the Exchequer said, it would be in the recollection of the House, that he had some time ago made a proposal to raise twelve millions by Exchequer-bills, with a certain reserve, in case the whole sum should not be subscribed in the way proposed. Of that sum, only 7,500,000*l.* had been raised, so that the remaining sum was still deficient; and this deficiency he proposed supplying by acting on the plan which he had reserved. That plan was to raise the deficiency by five per cent. annuities. It was only just that those who had heretofore subscribed should be given some advantage; and he therefore proposed, that for every 70*l.* which they should subscribe, an allowance should be made of 72*l.* in the five per cents. He proposed also allowing a discount of four per cent. on prompt payment.—There was an undoubted advantage obtained by the public in thus breaking the loan of the year; and he felt convinced, if he had not done so—if he had gone to the market without a provision of this kind, that the public would have been so much the worse. He could not better illustrate this, than by the fact, that prior to the period of his proposal there was a considerable depression in the Stocks, but that ever since there was a progressive improvement.—This was the last day for the receipt of subscription names at the Bank, and he had therefore to move, that "4,700,300*l.* should be raised by five per cent. annuities." The sub-

scription had still left 200,000*l.* to be raised; but this had been taken by Messrs. Baring and Angerstein.—The motion was carried.

BULLION REPORT.

Mr. Horner moved, that the House should resolve itself into a Committee, for the purpose of taking into their consideration the Report of the Bullion Committee, and that several papers should be referred to it.

The House having accordingly resolved itself into the Committee, and the several papers having been referred to it,—

Mr. Horner rose. He should in the first place state to the Committee the arrangement according to which he proposed to proceed on the present most important occasion. It was his intention, in his statement, to separate his first series of Resolutions from his last. The first went to the causes of the high price of bullion; the second went to the remedy and effect. He thought that he should be best consulting the convenience of the House, by rendering those two topics as distinct as possible, and on that account considering them in the manner which he had stated. It was not by any means his intention to go into all the details of this interesting and important subject. Those which he omitted, and which were considered by others as essential, would no doubt be dwelt on with more ability than he could exercise. He should, then, confine himself to such an outline as best embraced the general view of the subject: and even this he should endeavour to compress as much as possible, in order to meet the convenience of the Committee. Notwithstanding this determination, he feared, however, that he should appear tedious to many; but he hoped they would excuse that which appeared unavoidable.——(*Hear! hear!*) Among the various opinions agitated on this subject out of Parliament, many, as might be expected, went into the most violent extremes. Some were hardy enough to affirm, that our paper currency was of itself sufficient for our necessities, and that our financial interests would be much improved by an entire substitution of paper for the precious metals. Others, blind to the benefits of this proposal—blind to experience—blind to the present advantages of our existing paper currency—proposed our reverting to the ancient system. Others, again, and in his opinion the best class, ventured to recommend, that we

should have as extended a paper currency as was consistent with the value of the circulating medium, and that this currency should have for its basis the precious metals.—Among the erroneous opinions which had been entertained by a certain portion of the public, with respect to the founders of the Bullion Report, it had been said, that they entertained a jealousy of the Bank of England as an institution. This was a most erroneous opinion indeed. It was impossible that every effort to preserve and uphold the Bank of England should not be made by those who considered the advantage of which it was to the country—who considered the useful and splendid efforts made by its founder—efforts which entitled him not only to the praise of restoring the liberties of this country, but, in a degree, of Europe itself. (*Hear! hear!*) Those who were anxious to preserve or improve our finances, must necessarily look to the Bank of England, the prosperity of which formed a part, and so essential a part, of the public interests. Having guarded himself and the Committee, as well as he could, from those unjust and groundless prejudices, he should now state, that his object was to restore the resumption of cash payments by the Bank in as gradual, but at the same time in as prompt a manner also, as was consistent with the public safety. His object was to restore the system acted upon by the Bank from the æra of the Revolution down to the year 1797—a system which had been productive of much benefit to the country, and of the return to which it was their duty to seize the earliest opportunity which offered.—Before he entered fully into the subject, there was one more prejudice which had gone forth against his friends out of doors, against which he wished to guard, and that was, that those who advised the resumption of cash payments, were only speculative theorists, who arrayed themselves against the Bank of England. Yes, they were theorists, if theory consisted in a desire to convert paper into coin, so as to prevent the country from being over-run by an excessive paper currency. Yes, they were theorists, if those opinions deserved the name which were found ed on the joint judgment of our ablest and most practical Statesmen, supported by the experience of our most extensive merchants. On this great question, with respect to the resumption and restoration of cash payments, no doubt our merchants were enabled to give most important information; but still that information must, from its nature, be but par-

tial. This was not a limited or narrow subject—not a subject for the 'Change, or the public-house—not a subject for the mere merchant, or mere politician—but for the grave debate of Parliament itself—for the deliberation of the most enlightened—for the judgment of the Financier and the Statesman—for the calculation of all the wisest and ablest in the nation, involving as it did the united interests of all men. It had been said, that the Committee entered on this discussion with pre-disposed minds, and pre-determined opinions. Undoubtedly, if having studied carefully beforehand all the researches of Statesmen, subjected them to such an imputation, they were guilty: but if having entered on it with an earnest desire to do justice—if having suspended their judgment till they had the whole case before them, entitled them to an acquittal, he ventured to say he could claim it fairly, not only for himself, but for every component part of the Committee. He should not take up the time of the House by defending the Committee from any such insinuations: he was sure such a defence was unnecessary, for no member of that House could entertain them, though they were not scrupled to be asserted by some men out of doors. It would have been both for the convenience of himself and the House, if he could tell distinctly which of his propositions it was intended to controvert.—At present he was quite in the dark. Looking at the Resolution which recommended the final resumption of cash payments, he should suppose his views were completely coincided in; but taking a view of some other of the Resolutions, he was inclined to adopt a different opinion. That which last year attracted and chiefly occupied the attention of the Committee, was the great and gradual increase in the high price of gold bullion. Their anxiety naturally was to ascertain the cause of the evil, and discover some adequate remedy. Though there were many collateral remedies and evils, still this high market price of standard gold was the principal subject of alarm. The Mint price of standard gold was 3*l.* 17*s.* 10*d.* When the Committee sat it had risen to 4*l.* 10*s.* in the market; and it had now still farther increased to 4*l* 17*s.* per ounce. This high price of bullion was a departure from the legal value of the money of the realm. The lawful money was coin: all notes, &c. were only so many promissory stipulations to pay so much of the lawful coin of the country. Now, on account of the present excess of the market price of bullion above the

Mint price, these promissory notes were no longer the real representatives of the sum of legal money which they professed. In short, he had no hesitation in saying, that the professed pound note was now really worth only 15*s.* 10*d.* There was a deterioration in it from the standard money to that extent. The maintenance of the legal value of the standard coin of the realm was of the most vital importance. Parliament had shewn that they thought so, when some of our Kings had imitated the arbitrary governments of the Continent, and attempted its debasement. They regularly interfered, and restored its just value. The last attempt of this kind had been made by Queen Elizabeth; and ever since, except by changes in the market, the value of our coin, both with respect to its fineness of standard and weight, had remained unaltered. The honourable gentleman then said, that by the statute 14th of the present King, it was enacted, that no tender of a debt made to a creditor in the silver coin of this kingdom, should be deemed a good and valid tender, if the sum amounted to more than 25*l.* unless such silver coin, so tendered in payment, was of the full weight, it ought to be according to the valuation put upon it by the Mint; and the law upon the subject had been so invariable, that there had never been the smallest question as to the point, up to the time when the restriction on the Bank took place in 1797. Very different doctrines had indeed been broached since that period, which, however, he had no doubt the House would consider as extraordinary and fallacious, as they were unfounded either in fact or reason. If we looked to the law of the land, to the King's Proclamations, or to the proceedings of Parliament, on the subject of the lawful money or coin of this country, we should find that one opinion only had prevailed on this very important point. From the early period in which it had first been taken into consideration, the greatest care and anxiety had uniformly been shewn to prevent any alteration in its value, either as to weight, standard, or fineness; but particularly to prevent any diminution in any of these. In the last regulation made on this subject, in the reign of Geo. I. there was a resolution of the House, that they would not alter the standard value of gold and silver; and to add to its weight and importance, this resolution was sent up to the other House for their concurrence, to which the Lords immediately agreed; and it became a resolution of both Houses of Parliament, that

they would not alter the gold or silver coin of the kingdom either in weight, standard, or fineness. After such peculiar care and attention having been then paid to the standard value of both these precious metals, not only by the greatest Statesmen, but by the Parliament of that time, as well as all antecedent periods, whenever the subject had been adverted to, was it not very extraordinary that we should now be told, there is no such thing as a standard—that it was a mere creature of the fancy—an imaginary phantom that had no existence—but that it had crept into the minds and vocabularies of men who had lately turned their thoughts to the subject, and had no business to remain there any longer? Such was the doctrine lately resorted to by many of the ingenious theorists, who had indulged themselves by writing and publishing pamphlets for the instruction of that House and of the public, since the Committee had made a Report on the high price of Bullion — It had at first been said, that no depreciation in the paper currency of the country had taken place, but that ground was found to be untenable; and those ingenious gentlemen had at last boldly advanced this very extraordinary and monstrous doctrine, that the conduct of all practical men went to shew, that this was ideal, and that they had all concurred in opinion, that there had never been any such thing as a standard, either as to law, weight, or fineness. The first gentleman who had published his thoughts upon the subject, did not, indeed, bring this doctrine forward till the second edition of his work, and he had then introduced it with a dexterity and delicacy peculiar to himself, and which certainly did no small credit to his abilities, so far as a change of argument went from one broad position to its direct converse. He first thought what it was, and stated there was no depreciation, for that bank notes were of equal value with gold and silver: but finding that this would not stand the test of practical proof, he in the next place broadly stated, that the real standard was money of account. This (Mr. Horner said) was a deduction which went far beyond the ideas even of any Aristotelian theorists he had ever heard or read of, and in his (Mr. Horner's) mind, appeared to be no standard at all. How money of account could be called or taken to be the standard, a measure of circulating medium of a commercial country, which had in all times before been founded on the precious metals as its basis, he could by no means account for. The same

ingenious gentleman then styled it an abstract currency, which he endeavoured to prove by arguments equally luminous and convincing. Another author had said, that there was neither a real standard, an abstract currency, nor was it money in account. He hoped the honourable gentlemen opposite, who were taking notes, would pay particular attention to these ingenious theories; but he trusted there were no statesmen amongst them who would deny the law on this subject to be as he had stated it; for even all these theorists admitted there had been a deviation from the standard by law. Before he (Mr. Horner) proceeded farther, he would wish to take some notice of the Resolutions which had been laid on the table by his right honourable friend (Mr. Vansittart). He then referred to his fifth Resolution, respecting a legal tender in silver, and he begged the House to attend to the manner in which he had been answered in the Resolution of his right honourable friend. In the third Resolution his right honourable friend states, "that the promissory notes of the Bank of England have hitherto been and are at this time held to be equivalent to the legal coin of the realm, in all pecuniary transactions to which such coin is legally applicable." His right honourable friend does not say that a bank-note is equal to coin, as settled by law, as a standard in weight and fineness, but that a bank-note has been by general estimation held to be equivalent to coin. He has not averred it to be of equal value, but that it appears so in general estimation. He won't (said Mr. Horner) deny my Resolution; but I positively deny his, and assert, that a bank-note is not equal to a pound in coin, but is, as I have shown above, twenty per cent. depreciated. Another thing which showed they were not equal in value was, that there were no means of comparing them; for all the King's coin and bank tokens had disappeared. His right honourable friend had evaded the real point; the coinage was the King's stamp, his royal assurance to the people that the coin should preserve its value according to the standard. Between them the only question was as to the fact, are bank-notes equivalent to coin? Do they give what they pretend? His right honourable friend did not assert it, and he (Mr. Horner) denied that they did. How did it happen, if they had not lost their equivalent, that they should now go at less than so much money in coin? He (Mr. Horner) then put the following case: if a debtor propose to pay 26*l.* in silver, he must give his creditor, accord-

ing to Act of Parliament, 100 ounces of silver at the present price. If he pays in paper, twenty-six one-pound notes will buy no more than eighty-eight ounces of silver: the debtor loses the difference between 88 and 100; a proof, as he had before stated, that the bank-note was worth only 15*s.* 10*d.* He hoped, therefore, his right honourable friend would either confess or deny the facts he (Mr. H.) had stated; namely, that the Bank had deviated from the standard fixed by the Mint. If this were a fact, as he had averred, the House was bound to use every means in its power to ascertain how the standard could be preserved, or in what way it might be restored. It was highly deserving consideration what must be the state of the credit of the country, if the standard was not restored. Great injury would be done to creditors in particular, and to the public in general. He would just state one instance. Taxes raised one year would not be of the same amount with those raised in another; so that, in a financial point of view, nothing could be more important than the standard. If this were admitted to be necessary, the first question would be, how the evil was to be remedied. All the arguments which had been advanced by those holding different opinions from him were reducible to two; one, that the bank-note had departed from the value of gold, because commodities are scarce; the other, that the rise in the price of gold was owing to the unfavourable state of exchanges. It was very well known that gold was a commodity which would rise in value; but he thought it very extraordinary that the price of it should rise in this country, because it is here the highest circulating medium. All countries create their own medium of currency; in some countries salt is so employed, and though the articles which are purchased by it may fluctuate in price, the value of the standard medium continues permanent; so of silver at Hamburgh. We find that, though in this country it rises 25 or 30 per cent. there it remains the same. So in this country, where gold is the highest medium, no scarcity of gold can alter the price; for if gold be more scarce, it will buy more commodities. There never was a period when gold was known to be more scarce than in the years 1795 and 1796. In 1796 particularly, on account of the immense quantities sent out of the country for the purchase of grain, did the price of standard gold even rise one penny? He would answer, it did not: The Bank conceived themselves bound to purchase gold where-

ever they could procure it. They even sent to Portugal for the purpose; and though they gave a higher price for the Portuguese coin than they did for gold procured from other quarters, it appeared in evidence before the Lords' Committee, there never was a rise of sixpence in the whole time. No such rise had of late years taken place on the Continent, as would warrant the rise in this country. In consequence of the supply of silver from the new world having been so great, the relative value between gold and silver had experienced a considerable change. Where the relative measure of the value is in silver, the rise will be in gold; and where it is in gold, the rise will be in silver. In all countries where silver is the standard medium, gold has risen, and here silver has risen. France was an exception to this; for in consequence of her new mint, she has been able so to manage matters, that although there was a rise at Hamburgh in the price of gold, there was none at Paris. He held in his hand a statement of the prices of bullion at Hamburgh and Paris so late as the 16th of April. The honourable Member then read the list of prices, from which he showed, that at that time the value of English gold per ounce was 3*l.* 19*s.* 6*d.* at those places. At Amsterdam the guinea was at 12.2.4. guilders. A bank-note for one pound, at 7.12. guilders. If there were a scarcity of gold coin here, it could not rise in price. No man could say that silver was scarce here, but it had risen immediately; though he believed there was more here than any where else; for he understood, that even France was supplied from hence. The best rule to account for the cause of this was to look at the price of the first necessary of life. Here the honourable Member referred to a statement of the average prices of wheat at three different periods. From 1771 to 1785, a period of 15 years, the average price was 46*s.* the quarter. From 1786 to 1797, a period of 12 years, the average price was 52*s.* the quarter; but omitting 1795 and 1796, which were years of dearth, when the price was of course high, the average during this latter period was 47*s.* the quarter. Since 1797, the prices had been different. From that year to 1808, the average had been 79*s.* the quarter. The years 1800 and 1801 were years of dearth; and if they were excluded, the average would be 71*s.*: so that there was, in the course of the three periods he had mentioned, a difference of 46*s.* to 71*s.* He had now come to the conclusion of the

first point of his argument. By referring to the table, which stated the prices of standard gold, and the rates of exchanges for 100 years, it would appear, that although the rate of exchange was perpetually fluctuating, there was no corresponding change in the price of standard gold. The state of exchange at present was almost unexampled in the history of the country, except at those periods when the coin was debased. Thus, in the reign of William III. the exchange fell 20 per cent. against this country; and it was also extremely unfavourable during the seven years' war. Suppose that he were to allow, for the sake of argument, that the balance of trade had of late years been extremely unfavourable to this country, still there would be considerations arising from that supposition which would deserve the most serious attention of Parliament. It was allowed that the principal article of import in the last year was grain. Now it appeared to him, that the House should most seriously consider what could be the reason for an importation of about two millions of quarters in one year, which was not a year of famine. When we considered the great part of our population which was employed in manufactures, and the great and increasing portion of them who were on the list of *paupers*, no man could look to the possibility of another year of dearth without feeling the most serious alarm. He thought that the increase of the price of corn was a very strong argument in support of the opinions which he had conceived. In 1793, 48*s.* a quarter was the price at which corn must be to allow of importation; but in the year 1804, the price which was conceived necessary to fix for the protection of our own agriculture, was 66*s.* The rise of price, however, had gone on so rapidly, that now the average price is always above that sum, and may be considered at 70*s.* The country, therefore, remains always open for the importation of foreign corn; but this corn must be paid for, either in bullion or other exports. He believed that the real state of the case was, that the balance of payments was very much against the country; but if that was the case, the military expenditure must be much greater than what it had been stated at by Ministers. By the papers which had been laid on the table of the House, it would appear that our exports vastly exceeded our imports. It had even been stated, that last year the value of the exports exceeded that of the imports by 9,400,000*l.* without reckon-

ing articles of Irish manufacture exported; but that, if they were taken into the account, the excess amounted to twelve millions. Now, if these papers were all correct, bullion must be coming into the country every year instead of going out of it, unless the foreign expenditure, on account of our military operations, exceeded this balance. By the paper of exports and imports, it would appear that we had last year exported eighteen millions worth of cotton manufactured, and one million worth of cotton-yarn. If all this was true, it would be indeed a most triumphant proof of the impotence of those obstructions which our enemy opposes to our commerce, to show that we could discover other means of disposing of such an immense mass of exports. If this was true, however, our military expenditure during the last three years must be enormously greater, than the House had been led to suppose. He remembered perfectly, that in each of the last three years, notwithstanding the unfavourable state of the exchange, the balance of trade was always represented to be much in our favour. He had ventured to express some doubts of the accuracy of those returns; and had asked, whether it was meant to state, that after making a deduction for our foreign expenditure, the balance of payment would be still in our favour? To this question he was answered, that it would. Now if all those statements which had been made in Parliament were perfectly correct, the conclusion which he would draw was, that if the exchange could not be brought to be favourable while the balance of trade and of payments was decidedly in our favour, the reason could only be found in the supposition of our currency having been depreciated. (*Hear! hear!*) It had been the universal opinion of all merchants and writers in former times, that the rate of the exchange depended entirely on the balance of payments, unless in the case of the currency of one country being debased. As to the expence of transporting gold to the Continent, it could not be more than seven per cent.; nor was it even more, in time of war, than ten per cent. for transporting it to the East Indies. The Committee, then, having taken all these circumstances into their consideration, were fully convinced that the cause of the exchange being permanently against this country, while the balance of payments is said to be in its favour, must be that there has been of late a change in the value of our domestic cur-

rency. If the circulating medium was coin, nothing but the debase of the coin could have produced the effect; but as it is paper, the most natural supposition is, that the value of this paper is deteriorated. While paper money was convertible at pleasure into gold, a considerable excess was impossible, as it would be sure of being returned for gold; but when paper is not convertible into coin, there is nothing to prevent an excessive issue. Although he conceived that the principles of foreign exchanges were perfectly known and settled, yet he thought it very possible that some cases might be stated which would puzzle those who were quite right in their general reasoning. If those, however, were examined which appeared to militate against the natural deductions of reasoning from established principles, it would be generally found, that in those cases which were stated so confidently, some material parts were suppressed. Thus, for example, one might be deceived by statements about the rate of exchange, unless the state of the currency of the different countries was mentioned. For example, it was stated last year that the exchange with Portugal was at *par*. The reason of it, however, was, that by the law in Portugal one-half of every debt or bill may be paid in paper, which is depreciated 26 per cent. Therefore, that which was stated as an exchange at par, is, in reality, an exchange of 13 per cent. against us. It appeared, that with all the countries in the world the exchange was now against England. With regard to America, it has been for the last year eleven or twelve per cent. against us; and it has been nearly the same thing with respect to the West Indies. As to the East Indies, bills had been drawn from Calcutta, at a rate of exchange which was 22 per cent. against this country. It was hard, on any other principles than those which he had stated, to account for the exchange with Lisbon and Palermo being nearly as unfavourable as those with the countries over which the jurisdiction of the enemy extends. In order to show how a depreciated paper-money affected the rate of exchange, he adverted to the rate of exchange between Hamburgh and various other cities on the Continent. The exchange between Vienna and Hamburgh was last year 144 guilders for 200 marks *banco*; but now that the Austrian paper-money has suffered a depreciation more rapid than has ever taken place since the fall of the French *assignats*, the rate of exchange is

950 guilders for 200 marks *bànco*. The exchange between Stockholm and Hamburgh has fallen to 136 against Stockholm; but it is to be recollected that Sweden also has a depreciated paper-money. Between Copenhagen and Hamburgh, 135 rix-dollars were formerly equivalent to 300 marks; but now it requires 500. While thus the exchange was in favour of Hamburgh, with almost every other country in the world, including this country, that had a paper circulation; yet with respect to Paris, where the circulation was specie, the exchange was somewhat in favour of Paris. In France, were there was a metallic currency, the exchange was favourable with respect to every country that had a paper currency. Looking, then, at the situation of all other countries, and seeing all the facts pointing one way, he could not entertain a doubt, but that the unfavourable rate of exchange between this country and the rest of the commercial world was produced by the same cause which produced unfavourable rates of exchange in the other instances he had named. In the time of the French assignats the exchange became enormously unfavourable to France; but as soon as it had a metallic circulation, the exchange again became favourable. The same fall of exchange took place when Law's Mississippi Scheme circulated a great deal of paper in France. In this country a similar effect was produced at nearly the same time by the South Sea project. In that year, 1720, standard gold rose for the first time to 4*l.* 1*s.* 6*d.* which was to be imputed to the bad state of our currency. The present state of exchange with Lisbon, Palermo, the East and the West Indies, shews most clearly that it is not the measures adopted by our enemy which has produced a state of exchange every where unfavourable to this country, but that this effect must be produced by some other general causes. To the Committee it appeared, that the real cause was that which produced the same effect in other countries, and that it was to be attributed to the depreciation of our paper-money, which must have been occasioned by an excess. The excess might have taken place in two ways; either in the original issue of more notes than it was proper to issue, or in the not withdrawing notes from circulation when it became proper to withdraw them. It did not follow that the same numerical amount of notes ought to be always kept in circulation that were once issued. The circumstances of a particular period might require an extraordinary issue,

of which a great part should afterwards be withdrawn. Before the Bank Restriction Act was passed, that body often found it necessary to diminish the amount of their notes; but now the numerical amount of them is regularly and rapidly increasing. In May, 1809, the amount of the notes of the Bank of England in circulation amounted to 19 millions: on the 12th of May, 1810, they amounted to 21,200,000; and notwithstanding that the Committee had reported, that in their opinion this issue was excessive, it was increased in the beginning of the present to 23 millions and a half, which was above two millions since the Report presented in the course of last Session. Notwithstanding the many failures which had taken place, and the great individual distress produced by them, there did not appear to be such a deficiency of money in the money-market, as to make such a large issue of paper absolutely necessary. Besides this extraordinary issue of paper, there was something fully as alarming in the extraordinary and novel doctrines which were now avowed by directors and supporters of the Bank. They were opinions totally inconsistent with every principle upon which the Bank of England had formerly governed itself in making its issues, and which appeared to the Committee as likely to be most ruinous to the country. When first the Bank was forced, by an Act of the Legislature, to suspend its cash-payments, the Directors appeared for some months to be extremely anxious to place themselves in such a situation as to be able speedily to resume their payments; and accordingly, in the month of October in the same year, they declared their willingness to return to their former system. Parliament, however, then declined the removal of the restriction; and that which was first enacted as a temporary measure for only 50 days, became a permanent war measure. The Bank being then placed in a new situation, had new duties imposed upon them; and they should have exercised with great judgment and moderation the discretion which was vested in them, of issuing their paper without check or restraint. It had been, before that, a part of the Royal duties and cares to provide a sufficient and proper proportion of circulating medium for the use of the nation. There was, however, little danger to be apprehended from an over issue of gold and silver coin of standard fineness and value; but when it devolved on the Bank to provide in paper, not convertible into gold or silver, whatever quantity of cir-

culating medium they thought proper, and when it was considered what temptation they had from private interest to make large issues, it was extremely important to consider the new maxims and opinions which the Bank seems now to have adopted. They now assert that there can be no excess, and that they have no other check to govern their issues except the demands of the commercial men on them for money. He should examine shortly the evidence which had been given by the Governor and Deputy Governor of the Bank before the Committee. Mr. Whitmore (a most respectable man), when asked, whether a rise in every species of currency meant the same as a fall in the price of commodities, declined answering; and said, that he was ready to answer as to any fact in his knowledge, but did not wish to state opinions. He gave a similar answer when asked whether, supposing the circulation was specie, the price of commodities would not rise or fall in proportion to the abundance or diminution of it; and added, that he had no opinion formed upon it. Now he did not mean to insinuate that the answers of Mr. W. were not perfectly candid; but at the same time he thought it most evident, that to men who really had formed no opinions on questions of that nature, an absolute power should not be given of multiplying the circulating medium at their pleasure, without check or restraint. *(Hear, hear.)* Mr. Pearse, in his evidence, was of opinion that the security of the Bank notes was not diminished by the extent of their discounts of good bills; and seemed to think that there would be little danger, and no positive inconvenience, in making the restriction permanent. The principal objection to it would be, that the feelings of the public had been accustomed to the expectation of the Bank resuming its payments at some future time; and that, therefore, they would perhaps be dissatisfied at the restriction being made permanent: but he was not aware of any other positive inconvenience; and whether it would be right to sacrifice this feeling of the public, and make the restriction permanent, was a political consideration on which he did not pretend to give an opinion. Now he did not mean to say, that Mr. Pearse, or any of the Directors, wished that the restriction should be a permanent measure; but when it appeared by the evidence, that Directors of the greatest weight had contemplated this subject, without seeing any positive inconvenience in the restriction being permanent, and when it was so evidently the interest of the Bank to have it so, the

most serious attention of the House was due to that part of the evidence. There were many persons who totally overlooked the difference between the issue of paper as circulating medium, and as the representative of commercial credit. Those novel notions were very readily embraced by an enterprising portion of the mercantile interest, that found great assistance in their speculations from the abundant issue of Bank paper. He believed, however, that almost all the old capitalists among the merchants coincided with the opinions he had expressed, and considered the new doctrine of paper not convertible to gold and silver being still equal in value to gold and silver, as an idea completely visionary and fallacious. The late Sir Francis Baring, whose mercantile dealings were the most extensive, and whose experience was at least equal to that of any other merchant, coincided entirely in the view which he had taken of the subject. If the House should be of the same opinion, that the evils which had attracted their attention did proceed from an excess of paper, the next question would be, how was this evil to be remedied? To him it appeared that the only remedy was, that a time should be appointed for the Bank resuming its payments in cash. This was the remedy which he was convinced they must come to, sooner or later. If the House, however, should choose to stop short of that remedy, but would simply express an opinion that the Directors ought in their issues to take into consideration the price of gold and the rate of foreign exchanges, such an opinion declared by the House might have a considerable effect in checking the farther increase of their excessive issues. For his own part, however, he could not avoid believing, that the restoration of cash payments was the real and true remedy which ought to be applied as soon as it could be done without material inconvenience. Great as he conceived the mistake to have been in 1797, of continuing the measure for the term of the war, yet he thought the mistake was much greater in the beginning of the present war, continuing the restriction still farther. This was completely giving a permanent character to a measure which ought to have been only temporary. In 1797 the measure was called for, not on account of the amount of corn imported from foreign countries, nor on account of an unfavourable balance of trade, but merely from an internal alarm which prevailed at that time, but which has not since recurred. At that time there was an uncom-

mon run on the country banks, and, through their agents, on the Bank of England. Of late there has been no particular run on the country banks, and they have generally stood firm. Nothing could therefore be more unlike than the circumstances of the present times and of the year 1797, when this restriction was first imposed. The circumstances of that year, which called for parliamentary interference, were temporary; and yet, for a temporary disease, they provided a remedy that was to be permanent. If he were asked, whether he was of opinion that the Bank ought now to resume its cash payments; he would answer, that he not only did not think that they ought now to resume their payments, but he was also of opinion, that if peace should be signed to-morrow, the six months after the conclusion of peace, at which time the restriction would cease by the law as it now stands, would not be sufficient time to allow the Bank for the resumption of its payments. A much longer period appeared to him to be necessary to enable them to make preparations for such a measure. We must, however, rather make up our minds for a long period of war. During this war, however, it would be necessary to provide such measures as, by turning the rates of exchange somewhat more favourable, might better enable us to support the expenditure which was necessary to maintain the character which this country had formerly possessed, and to aspire perhaps to the deliverance of Europe. He hoped, that he would not hear it argued by any body, that there was a positive advantage in the depreciation of paper, as enabling Government to discharge the debt at a reduced rate. Such ideas were directly opposite to those principles of good faith and parliamentary virtue by which the public creditor had hitherto been secured. He hoped that it would never be stated in that House, that any national advantage was to be obtained by paying the lawful creditors of the state, by whose aid such heavy and expensive wars have been sustained, less than the entire amount of their debt. A considerable depreciation in the paper currency would be a means of defrauding the public creditor, as well as bringing the greatest evils on all classes of society. From all those considerations which he had mentioned, he was convinced that the paper currency of the country had suffered depreciation, and that the only remedy was to provide for the resumption of cash-payments by the Bank as speedily as possible.

After a few more observations, he concluded by moving his first Resolution.

Mr. Rose began by complimenting the honourable and learned gentleman on the remarkable eloquence of his speech, and on the knowledge he had displayed of the subject, which was infinitely superior to that which was shown in the Report on which his propositions were founded. He differed entirely, however, from the honourable and learned gentleman in a variety of facts, and in the greater part of his conclusions. In his opinion there was no depreciation of the circulating medium of this country, nor was the present high price of gold occasioned by an excessive issue of the paper of the Bank of England.—If he had the power to go through the Report, he had no doubt he should be able to show the present Committee that never had a more fallacious document been submitted to their consideration by any Select Committee of that House. He should show that the Committee by whom this Report was framed, desired of the Bank what it was impracticable for them to comply with, and what, if they could comply with, it would not have the effect of putting a guinea more into circulation. The honourable and learned gentleman had begun by observing that there were two descriptions of persons in this country who entertained very opposite opinions on the subject of a circulating medium, one of them going the full length of thinking that there was no occasion for any other circulating medium but paper, and the other going to the opposite extreme of contending that no other medium ought to be employed but gold. If there were any such persons in the country, he (Mr. Rose) was not aware of their existence. He confessed that he was of neither of these two opinions; but inclined to a medium between the two, preferring that our issues should be in specie, where that could be done without danger, and that where there was a deficiency of specie that deficiency should be supplied by paper. He was satisfied that if the measure recommended by the honourable and learned gentleman was adopted, we should soon cease to have the assistance of the Bank. The honourable and learned gentleman had said that gold was at 4*l.* 10*s.* an ounce. He (Mr. Rose), could not conceive where he had received this information, for, from the evidence on the table, it appeared that, at the time of making the Report, the price was from 4*l.* 4*s.* to 4*l.* 5*s.* The ho-

nourable and learned gentleman alleged that there was a depreciation in the value of bank-notes. For every transaction in life, however, bank-notes were equal to money in every respect. That there was a drain of gold in the year 1797 he did not deny; but that was the cause of the suspension. The honourable gentleman observed, that the price of corn had risen greatly, but he questioned much if the rise was to be attributed to the cause which the honourable and learned gentleman assigned to it. He thought the increase of price was rather to be traced to the prices fixed for importation. If the rates at which these prices were fixed, had had the effect of raising the rents generally throughout the country, the landlords had not greatly benefited by the circumstance, as every thing else had risen almost in an equal degree. In this way we must either have submitted to the difference of exchange, or to the chance of a scarcity. If there had not been an importation of grain, the quartern loaf would have been at half-a-crown. He himself did support this system, and he still thought it right. The honourable and learned gentleman had stated the amount of the exports and imports, and, from a comparison of the two, alleged that there was an excess of exports to the amount of twelve millions. Nothing, however, could be more false. On a fair comparison of the two, the balance would be found to amount almost to nothing. The exports of 1810, however, were not to be taken as the exports of other years. The honourable and learned gentleman had blamed him (Mr. Rose) as if he had deceived the House with false statements of those exports. He, however, was not liable for the amount of our foreign expense, nor for the actual produce of our exports.—By the present state of things they were liable to great losses, and to be totally destroyed by the burning and other decrees of the Tyrant of the Continent. It was impossible, therefore, to have made an estimate of what might be the amount. The honourable and learned gentleman had also referred to the Portuguese exchange, and to the exchange of other countries. This, however, had nothing to do with our circulating paper here. The Portuguese paper had lately risen in value, in consequence of the French having been driven out of that country, it having formerly been at enormous discount. The honourable and learned gentleman brought in to his aid the opinion of the great capitalists of this country. His (Mr. Rose's) intercourse had

been with the great capitalists, and with them only; and he could take on him to assert, from every thing he had heard and could learn, that not one of them agreed in the opinions of the honourable and learned gentleman, as he had expressed them to-night. He had referred to a gentleman, who was unfortunately now no more (Sir F. Baring). That gentleman he (Mr. Rose) had known from his earliest public life, and there was no man more ready to declare than he was, that a man of higher honour, or one who had acquired a larger fortune more creditably to himself, never existed. The opinion of that highly respectable capitalist, however, would not support the honourable and learned gentleman through the whole of his doctrine. That honourable Baronet had declared, that in the event of such a measure being resorted to, there would be occasion of a great increase of the circulating medium. As to the idea of the time of war being no less favourable for the passing such Resolutions as those proposed by the honourable and learned gentleman than a time of peace, he had no objection on this head. Let such circumstances occur as seemed to render the measure practicable, and he should think the period of war or peace a minor consideration; no notice, however, to the effect now proposed, he was of opinion, ought to be given by Parliament to the Bank, till there was a prospect at least of the near approach of such a favourable crisis. He should proceed to the Report, and should refer to parts of it which he deemed of extreme importance. —Such a train of errors and mistakes, from first to last, he ventured to assert, had never yet been exhibited in any document submitted to that House. He should endeavour to point out some of them, beginning with the first paragraph, and proceeding on to the end; and should then ask of any honourable gentleman, how the Committee could be called on to adopt any Resolutions founded on a Report so extremely fallacious in every respect? The first paragraph in the Report makes the market-price of gold, in the year 1809, to be from 4*l.* 9*s.* to 4*l.* 12*s.* per ounce. Now, in the year 1809, the price of gold paid at the Bank was from 3*l.* 19*s.* to 4*l.*—4*l.* 4*s.* and 4*l.* 6*s.* 6*d.* at the highest. The Report goes on to state the price in 1810 to be nearly the same, namely, from 4*l.* 10*s.* to 4*l.* 12*s.*; whereas the price paid at the Bank was, in the earlier part of the year, 4*l.* 5*s.* and fell in December to 4*l.* 2*s.* 6*d.* It was to him perfectly inconceivable where the authority came from to warrant

these statements in the Report; there was nothing in the appendix which went in the smallest degree to support them. The Report then went on to state a variety of circumstances, suggested by all former experience; but these he should not dwell on. It was natural for gentlemen to be best pleased with their own reasonings; and from the first to the last of those gentlemen who had written on the subject, there were some of them who differed from themselves—there were none of them who did not differ from each other. He should, therefore, proceed to facts. On looking into the state of our paper issues, and of the rate of our exchange, from the year 1718 down to the year 1797, our paper had been increasing from one million to twelve millions, and the rate of exchange was at twelve per cent. In July 1800 our paper amounted to fourteen millions, and there was a rise of fifteen per cent. on the exchange. In 1809 the price of gold fell four shillings per ounce, notwithstanding there was a coinage of four millions of foreign gold, and the exchange fell fifteen per cent. These were facts which put at a distance all the theory now held on the subject. So the increase of the bank paper, it appeared, had no effect on the rate of exchange. The issue of paper had nothing to do with it, and the alteration in the rate of exchange arose from circumstances unconnected with any extraordinary issue of bank paper. By the addition of eleven millions to the bank issues, no effect had been produced on the rate of exchange, which was often favourable; and no advance had thereby been made on the price of gold. The unfavourable state of exchange, so far as regarded this country at present, and the advance in the price of gold, were attributable to a variety of other and different causes from those to which they had been attributed by the honourable and learned gentleman. We were now in a very different situation from that in which we were last war. The situation of the Continent, and the risks and means of exporting articles to it were different. Formerly when a merchant sent a cargo thither, he could draw at once for part of the price. Now the only mode of proceeding was to send it round in a circuit; and if a bankruptcy took place among any of the various hands through which the cargo itself, or the proceeds of it, must naturally pass, the party here must sustain the loss thence arising. Besides this, there were a variety of other causes which contributed to

the same end.—The foreign expeditions which we were obliged to undertake, had turned the balance against us. Last year, the money sent abroad on this account could not be less than 11 millions; for corn about eight millions; foreign trade five millions and a half, with some trifles, amounting in the whole to about twenty-five millions; and a considerable part of it was gold. In page 4 of the Report, there was another erroneous view of the cause of the dearness of gold, as arising from its scarcity; Mr. Merle, the person on whose testimony this part of the Report is founded, having spoken only of the home market; and Mr. Goldsmid, in his evidence, stating that the home market was not even as the twentieth of the whole. In the next page, the Report went on to state the rise in all other commodities, and that gold had only risen with them. The price of all other articles had doubled, and it continued uniform; and yet the Report told them that it had risen along with them. He believed that the prices of commodities in every other country had risen in the same proportion. In page 7 of the Report, reference was made to the evidence of the same respectable character to whom he had already alluded (Sir F. Baring), as proving that there had never, at any former period, been a great scarcity of gold, or any measures taken to prevent a drain of the gold coin out of the country. In the time of the American war, however, when Lord Lansdowne was in office, and Sir F. Baring had the whole management of the money concerns between this country and America, he recollected to have had frequent conversations with him on the best mode of preventing gold from being withdrawn out of the country; and he (Mr. Rose), in consequence of these communications, wrote to the Custom-house, calling upon them to prevent coin from being carried out of the country, thereby to take care that a drain should not take place. Looking back to the evidence of Sir F. Baring, he observed that the whole of it went to this, that there never was, at any former time in this country, a want of bullion. If the honourable Baronet, however, was mistaken in this respect, this must cease to avail the honourable and learned gentleman as an opinion on which to ground that part of the Report, and of his own argument. The honourable Baronet, however, did admit in his evidence, that there must be a representative of the circulating medium, in some shape or other, equal to

the demand. The Report, in page 11, states, as an indisputable fact, what he (Mr. Rose) asserted to be indisputably untrue—and it went to this, that specie sent from one country to another must always be subject to a loss equal to the freight, insurance, &c. This he illustrated by supposing two cases of 1000 oz. of silver, or of a proportionate quantity of gold, sent from this country to the Continent, on which, according to his calculation, there would be a clear profit of 16 per cent. on the one, and of 20 per cent. on the other, after paying all charges. Lest there should be a mistake in this, he sent to Mr. Goldsmid for a similar calculation, and it was as nearly as possible the same. In page 12, the inference of the Committee relative to exports and imports was directly contrary to the fact. In page 13, too, there was an assertion relative to exports and foreign expenditure, for which there was not the slightest foundation; it being a fact, that in the two highest years of foreign expenditure, there was a short-coming of three millions in our exports, instead of an excess. There was a Continental gentleman, on whose evidence the Committee who framed the Report seemed greatly to rely; and how did he propose to remedy the evils arising from the present scarcity of bullion? Why, by a free circulation, and liberty to export! This was his expedient; and, according to his view of the subject, it could answer no good purpose to allow the Bank to pay in cash, unless you also allowed a free circulation and liberty to export; in other words, unless you countenance fraud and perjury. The honourable gentleman next referred to page 17 of the Report, in which an account is given of circumstances which occurred in the time of King William, and where, speaking of the expenses of the Bank, it is stated that their notes fell to a discount of 17 per cent. and stock sold at an advance. Where the Committee got the latter fact, if fact it was, he could not say. On the margin he saw the names of Dr. Drake and Mr. Godfrey. He suspected the one was no better authority than he should be able to prove the other to be.

Mr. Horner said, the information alluded to would be found in Lord Somers's Tracts.

Mr. Rose said the honourable and learned gentleman had found fault with the Governor and Deputy Governor of the Bank, because they did not wish to discount at 3 or 4 per cent. when the legal interest was 5 per cent. He confessed, however, that he was not surprised they should not wish to

be cross-questioned on subjects of opinion for which they had not been prepared by some previous intimation. Let the Committee see what Mr. Godfrey said on this subject: he told you that at a period when the Bank charged the public 6 per cent. they charged to those who kept cash with them only 3 per cent. Would the Committee who made the Report, have the Committee of the House to take this as a proof that the Bank was at that time well managed? The right hon. gentleman then proceeded to notice what was stated by Dr. Drake relative to the same period. The Doctor said that they could not effect a reduction in the price of guineas. Two Acts of Parliament, however, did reduce them. He stated too that Bank paper was then narrowed, but in fact it was not. Surely it was not excusable, when gentlemen were making reports to be laid before that House, to do so in this extraordinary way, by mis-stating every fact! The Report then went on to shew, that at a particular period the trade was unfavourable to Ireland, and then refers to a paper to shew that the issue of bank paper was the cause. Here again, however, the statement was unfounded, and the fact lay the contrary way. It did so happen, that when the issues of the Bank of Ireland were at the lowest, the exchange was 13¼ per cent.; and when the Bank issues were at the highest, the rate of exchange was at 9 or 9¼ per cent. being about par. He should not go to the length of saying that this was occasioned by the larger issues of the Bank, but surely the fact was sufficient to repel the contrary inference. Mr. Rose proceeded to state, that the assertion that the conduct of the Bank Directors affected the exchange, and price of bullion, was the most unfounded that ever was uttered. To shew that there had been an excessive issue, the Report had adverted to the discounts since 1797. What they were from that period to 1802, he did not exactly know, but from 1802 to 1809, he knew that the bank-notes had only increased 397,000*l.*; and the learned gentleman himself would confess that if discounts could be facilitated without any material increase of paper, it would be a benefit to the community by the accommodation it would afford to the manufacturing and trading interests. It appeared further, that Sir Francis Baring had admitted, that if trade and revenue increased, an addition to the circulating medium would be required. The trade and revenue of the country had unquestionably increased greatly since 1798, and therefore a larger amount

of Bank paper became necessary. Besides, till the year 1797, not a bank-note was paid into the Exchequer. Since that period they had been received, and sometimes considerable quantities were thus locked up. The increased trade then demanded a larger issue of bank-notes; and one reason why he would not restrain the Bank in their issues was, that unless they furnished the requisite quantity of paper, the demand would be supplied by paper of a much worse description. A gentleman had said that they ought to have another bank. That might answer, perhaps, if he were to have the management of it; but then they did not know who the managers might be. They knew the managers of the present Bank, and could repose confidence in them. It had been justly stated, that a given amount of commerce required more circulating medium in time of war than in time of peace. Mr Bosanquet had said, that an addition was required in the present circumstances, owing to the long credit necessarily given to the continental purchasers. He next adverted to the quantity of coin brought into circulation from 1773 to 1798, making nearly 44 millions altogether, subject to whatever drains might be made upon it during that period. But then it would be observed, that except in the year 1783, gold was not in all that time above the Mint price, so that there was little temptation to melt or export. Allowing, however, eight millions for these purposes, which was much beyond the mark, there would still remain in circulation in 1798 upwards of thirty-five millions of coin. He wished this to be noticed, because he had found that Mr. Blake and others had stated it at much less. This circumstance the learned gentleman did not appear to have considered—and indeed there could hardly be an instance of a stronger love of theory than what he had displayed in opposition to facts. The misfortune was, that when gentlemen had formed a strong theoretical opinion, they shut their eyes to facts and evidence, and would see nothing but what favoured their own view of the subject. The right honourable gentleman then called the attention of the Committee to the present scarcity of specie, and as a proof of it, adverted to the very small comparative quantity received by the revenue collectors. In the collection of a revenue of 8,640,000*l.* in the county of Lancaster, only about 11,000*l.* of specie had been procured. From this circumstance, the Committee must be aware, how very necessary it was, that the paper currency should be large

enough to supply the drain of specie. In 1797, the circulating medium, including coin and bank-notes, was about 46 millions. At present, the amount of specie in circulation could hardly amount to 3 millions. Taking the bank-notes at 24 millions, the whole circulating medium was only 27 millions instead of the 46 millions, which must have been in circulation in 1798. The Committee then must be aware of the incalculable inconvenience that would result to trade and manufactures, from checking the issue of bank-notes. Such a measure would, besides, injure the exports, and occasion a most pernicious reduction of the exchange. (*Hear, hear! from Mr. Perceval and others.*) Let the Committee then consider whether it could be justly said, that there was an excess of bank paper? Whether it would be wise policy to fetter the Bank Directors in their issues of notes? If an excess had been made out, then there would have been some foundation for the remedial measure recommended in the Report. But so far was this from being made out, that the very reverse was the real truth of the case. Instead of being surprised at the large amount of bank-notes in circulation, his wonder was that the issues had not been much greater. Considering the previous extent of the circulating medium, and the increase of trade and revenue that had taken place since 1798, one would rather be tempted to conclude that the Bank had not been so liberal in its issues of paper as the circumstances required. Notwithstanding then his high opinion of the learned gentleman's talents, he could not help saying, that such a Report as this, so directly in the teeth of facts and evidence, he had never known. How could the learned gentleman imagine that they could adopt his Resolutions, founded on such erroneous opinions as he had taken up? They were not to proceed upon the credit of the very able and eloquent speech which he had just delivered. They were to look at the Report, and see how far the evidence supported the allegations. These allegations were not supported by the evidence: and he had proved, from undeniable facts, that the issues of bank notes had nothing whatever to do with the exchange, or price of bullion. The Report was against every syllable of the evidence, except that of Sir F. Baring and the continental merchant. But even the continental merchant had given it as his opinion that the exchange had nothing at all to do with the fall of the exchange. He had been pressed upon this point, but

had always persevered in his opinion. But he said that the large amount of bank-notes had some effect in preventing the rise of the exchange; for if the Bank issued gold, it might be exported, and thus render the exchange more favourable. So that the way in which the exchange might be prevented from rising, was to export the gold as fast as it was issued from the Bank. The Committee had not sanctioned the fraud and perjury which this would have involved—but without fraud and perjury such exports could not be made. Then, as to Sir F. Baring's evidence, he said that it would be proper to resume payments in specie as soon as the Bank could conveniently do it. He did not say that a positive law should pass, compelling the Bank to resume the payments in specie, but only gave it as his opinion, that the issue of cash should be resumed as soon as it was in the power of the Bank. If the Committee turned aside from the evidence of the best informed witnesses, and considered it as extravagant nonsense, their Report could not form a proper ground for any proceeding in that House —but, independent of the evidence of the rest, even upon that of Sir F. Baring, and the continental merchant, the Committee had not made out the allegations in their Report. The right honourable gentleman then, adverting to the statements of an honourable friend of his (Huskisson), expressed his firm conviction, that in publishing those statements, his honourable friend had been actuated by no improper motive. His honourable friend, he was sure, had nothing in view but the public good. But though he gave him full credit for the purity of his motives, he could not help regretting that such a publication should have gone abroad. With the best intentions on the part of his hon. friend, it had, he was persuaded, done much injury to public credit. To all those who had talked to him on the subject of the publication in question, he had always said that his hon. friend could have had nothing else in view but the public advantage; but still it had done much injury. If such a publication had come from an indifferent person, it would have signified little; it would have passed away without doing any mischief. But from the high character of his honourable friend, his great knowledge of financial concerns, and the confidence which many were disposed to place in his opinions, his statement had excited peculiar attention, and its bad effect had been more extensively diffused. His honourable friend had said that there existed a

strong resemblance between the doctrine upon which the Bank Directors proceeded, and that of the celebrated Mr. Law. The Bank Directors might possibly be wrong in the notion, that they could never issue to excess as long as they discounted only on good commercial security. But what resemblance existed between their proceedings and those of Mr. Law, he was at a loss to conceive. Mr. Law's Bank ended in not leaving a shilling to be divided among the holders of its securities. The Bank of England, as appeared by the examination before the Committee of Lords, had, in 1797, a very large surplus beyond all claims that could be made upon it. No two things could be more different, therefore, than this and Mr. Law's scheme. If the Bank Directors were to be examined to-morrow, he believed it would appear that they had 15 millions surplus property beyond all the demands against them. He could not, therefore, but say that the observation of his honourable friend had much better have been omitted. The Bank Directors did not deserve it. This was another proof that when gentlemen had formed certain theoretical opinions, they could see nothing but what made in favour of their theories. If they once abandoned established law and usage, they got into inexplicable difficulties. The right honourable gentleman then read some sentences from the publication of Mr. Wheatly, reflecting upon the financial doctrines of Mr. Pitt, who, as he said, having taken up wrong views of the subject, was consequently wrong in the measures which he adopted. Whatever difference of opinion might have existed on other points, he confessed his surprise that Mr. Pitt should be charged by any one with ignorance of the finances and resources of his country. He did not stand there as the advocate of the Bank; his only object was the public interest. If the Bank Directors had not done their duty, he would have been as ready to censure them as any man. But as to their resumption of cash payments, it was altogether out of the question. It was impossible for them to find specie to pay. If there existed a possibility of their resuming cash payments, he would be willing to compel them to do so at whatever expence. If they could find specie at any price, their profits had been so large that he thought they ought to pay in cash. (*Hear!* *hear!*) But the truth was that specie was not to be found The Committee in their Report proposed, that the Bank Directors should reduce their issues of paper. How could they do

this when gold was not to be had? In his opinion they could not possibly do so without the most material injury to trade and manufactures, and the most serious inconvenience even to labourers and almost every description of persons in the community. His honourable friend had said that gold might be had in exchange for other commodities. But every thing that the country could spare was sent out for other purposes. They could not send more, and how was the gold to be procured? His hon. friend said that it might be procured here; but it was well known that foreigners purchased it here at the rate of 4*l.* 15*s.* per ounce, and one of them had a commission to take it at any price. Whatever the price might be, his instructions were to give a shilling more, but to get the gold. It was impossible, therefore, for the Bank to procure it—and if the Bank could not procure it, what did they propose? He had seen an order under the administration of the Earl of Oxford, by which a ship was directed to proceed in search of gold. This order had appeared to him sufficiently whimsical; but he protested that he did not think it more extravagant than the proposition now made to compel the resumption of cash payments by the Bank within a certain period, when gold was not to be had. Mr. Locke had stated, that the only way to procure gold was by the surplus of trade. If more commodities were exported than imported, gold must be imported in order to equalise the balance. But at present the balance of trade was against us. If the issues of bank-notes were not checked, our difficulties might be surmounted—(*Hear, hear! from Mr. Perceval and others.*)—but if they should be checked, the worst consequences would follow. Gold could not be procured. The balance of trade was not only against us, but the system of tyranny prevalent on the Continent prevented the payment of money there even when it became due. This was so monstrous, that it could hardly continue. One would hope that it would soon find its own end. But even if the Bank could find gold, would the country be the better for it? How long would the coin issued remain in this country? The price of gold was 4*l.* 16*s.*; but supposing it only 4*l.* 14*s.*, or 13, or 12, it would be melted and exported. Unless then they could reduce the price of gold, it would be perfectly nugatory to call upon the Bank to pay in the precious metals. If the public were to derive any advantage from it, he would have no hesitation in diminishing the profits of

the Bank; but when no advantage could be gained for the public by the measure, he had no inclination to intefere. He would only farther say, that under this system of Bank Restriction, the country had flourished for 14 years, with the exception of the two last years, as far as concerned the exchange. That had fallen, but it was owing to the unexampled tyranny under which the Continent at present groaned. Were they to assist the enemy in this monstrous work, by checking the issues of bank-paper, at a moment when the scarcity of the precious metals rendered them essential to the commercial and manufacturing industry of the country? In the whole history of Parliament he had never heard of a Report so totally contradicted by facts as this. Having prospered so long under this system, he hoped they would not now put an end to it, at a time when it became of the greatest consequence to continue it. He trusted gentlemen would take care that whatever mischief was done us, should be the work of the enemy; and that we should not madly assist his schemes, by bringing that destruction upon ourselves in which he vainly attempted to involve us. (*Hear! hear!*)

Mr. Henry Thornton said it was impossible at present to follow the right honourable gentleman, who had just sat down, through the variety of calculations which he had submitted to the House. Neither would he attempt at present to decide upon the accuracy or the inaccuracy of the Bullion Committee Report. The question had been certainly ably and fully opened that night by the learned Chairman of that Committee; but, however ably and fully he might have opened the question, there were some parts of his speech which, perhaps, required farther amplification. The main question, it was to be observed, was not whether cash payments were to be resumed at the Bank of England within a limited time? or whether this resumption should at all take place? but it was whether they ought to agree to the sentiment of the learned gentleman on this particular point; namely, that the present high price of bullion was to be attributed to the quantity of paper circulated in the country? It is necessary, therefore, that the House should decide as to this point between the Bank Directors and the Bullion Committee. He himself, had already given an incidental opinion in the House on this subject; but it was a subject which could not be too fully canvassed in the House; because when they gave the Bank an unlimited and discre-

tionary power to issue out paper, it was their duty carefully to guard against any excess in that issue. It became necessary then, in the first place, to inquire in what manner quantity had an influence on exchange. He had to shew what, in his opinion, was as plain as any point could well be, nay, what was demonstrable, that the quantity of paper must necessarily influence the price of commodities. The Irish Bank Directors, though they denied that the exchange was anywise affected by the issue of paper, did not deny that the price of commodities was affected by it. One of the English Bank Directors said something to the same effect. Indeed, he had never met with any one who denied that the quantity of paper influenced the price of commodities. The same effect was produced by the quantity of gold. Indeed, the general principle of quantity was admitted the other day in the House, when a certain amount of Exchequer-bills was voted to prevent some persons in Scotland, engaged in manufactures, from experiencing a fall in the price of their commodities. They had heard that the paper of all the Banks of Ireland had been diminished. The consequence of this measure was a fall in the price of commodities, but it was also a rise in exchange. Here he wished to be understood, that he did not mean to say that a great diminution of paper might not be a great evil; but at present it was to be kept in mind, they were searching for principles—they were inquiring whether the augmentation of the circulating medium of the country did not diminish the value of that circulating medium. Of this principle he could no more doubt than he could doubt of his own existence. On the 31st of December 1795, the exchange was unfavourable to this country. The Bank immediately limited their paper. He found at that time a general refusal to discount. It would have been very convenient to himself at that time to have received an accommodation from the Bank. He had goods which he was compelled, in consequence, to sell at a loss. He found, when he went to the Bank, a Sugar-baker in the same predicament with himself, who was compelled to have recourse to the same remedy. Now if this fact be established, that the augmentation of the quantity of paper increases the price of commodities, was it possible to deny that bullion shared the fate of all other commodities? Why should not the produce of the mine be affected as well as the produce of the earth? What was exchange but the relative value of the

circulating medium of one country compared with the value of the circulating medium of all other countries? Now this country had taken a different relative value in her circulation to that of other countries, and therefore the exchange with those countries identified itself with the price of bullion in them. This, it was to be remarked, was the great fundamental question. It was like a primary law of nature, and ought to be constantly kept in mind. Not that he meant to say an invariable proportion was maintained between the price of bullion and the issue of paper. (*Hear! from the Ministerial benches*). He could suppose that on any great alarm the proportions might be doubled—even tripled. There were indeed a variety of causes which might operate more strongly at one period than another. But to this point he wished to call the attention of the House, that they had never on any former occasion had any thing like so great an excess as now. If at any time the balance of trade was against us, and the value of gold rose in consequence, the temptation to export occasioned a drain on the Bank. The Bank then drew in their issues. He wished to call to their recollection three periods illustrative of this. The first of these periods was 1782, when, as appears from the evidence given before this House in 1797, there was a considerable fall in exchange, and the Bank refused to make any payments on the loan of 1782. The second of these periods was 1795, when the exchange was also unfavourable. The Bank began immediately to restrict their loans. The third of these periods was 1797, when there was a drain on the Bank from another cause, not connected with an unfavourable exchange. To have then extended their issues, would have been highly liberal; but the fact was, that they on the contrary drew them in. It was necessary then to inquire how they would be freed from this drain of gold, and not permit the evil to go on enlarging, in the same manner as if the present period were antecedent to the restriction. If there were no restriction at the Bank, and no law against the exportation of gold coin, no Parliament to interfere with the course of proceeding, how would nature act? Supposing that the stamp of the coin merely ascertained the quantity and quality of the metal contained in it; supposing an unfavourable trade and an unfavourable harvest—if people from abroad send articles hither, something in return must be sent to them, commodities as far as they go, and if any

gold in the country, some of it must also be sent, but just so much as would put the gold on the footing at which it might be in the exporting country. This might be very inconvenient; but he was merely shewing the course that would be taken. The gold going abroad would occasion it to be cheaper there, while the high rate of interest here would gradually restore the balance between this and foreign countries, so that the standard would still continue to be the same, as if all was but one country. He asked, whether in such a case there would not necessarily be a limitation of the circulating medium? Surely there would. The law, no doubt, would prove some obstruction to the exportation of coin; but the value of that difficulty was known. How did this stand antecedent to 1797? It was necessary to examine the principle of the thing. They knew that for a hundred years back there had been a constant tendency to excess in the issues; but that excess had always been prevented by limitation. He had already stated three cases where the Bank had limited their issues. When the Bank felt an alarm, they very naturally reduced their issues. It was altogether out of the question to think of ascertaining the excess from the quantity: for there were a variety of circumstances which made the quantity elude their discovery. The situation of Europe might make a diminution indispensably necessary. The war had such a tendency. Between 1783 and 1792, years of peace, the exchange was always in favour of this country; and accordingly it would be found, the years of excess were during the war in 1795 and 1797.—Gentlemen might consider what a low rate of interest five per cent. was in time of war, and what a temptation it afforded to apply for discounts. The legal rate of interest was, no doubt, five per cent. and it might be imagined that all the money that was borrowed during war was borrowed at that rate; but no man could borrow money, except from the Bank, without paying additional sums, in name of commission, which really went to increase the rate. A person who borrowed at five per cent. would find, on balancing his books, that, independent of the profits of trade, his goods were, from time to time, worth more and more in value, so that in time, by the mere rise in stock alone, he would be enabled to pay off the debt. In the same manner, a person who in 1790 laid out 100*l.* in the purchase of land, if it were traced back, would be found soon to have got the whole into his own pocket. It was easy to see then what a

great temptation there was for borrowing. It was well known in the banking business, that nobody lent to the full extent of the demand, for it would be perfectly impossible to equal the measure of the demand. The borrower pays more than five per cent. interest to any other person than the Bank. It may easily be imagined then, that if the Bank with such a low interest measure their issues by any thing like demand, they must run into excess. In the Hamburgh Bank the limitation against excess is found in the rate of interest; and it may be said, that the Bank of England will be constantly in danger of excess, if the rate of interest be ever so little higher than the legal rate. Since 1797 there had been no limitation whatever on the Bank; and this was the turning point. The right honourable gentleman (Mr. Rose) was displeased at the comparison between the Bank of England and the Missisippi Scheme of Law; and he agreed with him, that nothing could be more opposite in general than they were. But though, in many points, they might be opposed, it was no less true that there might be certain points of similarity between them, and that this country may be in danger of suffering from the same calamity which befel France, from Law. Mr. Law looked to security, and the Bank looked, in 1797, to security. Law did not issue paper for more than two-thirds of the value of the land. The rate of interest fell to three per cent. Many good things resulted at first from this; but he got at last more than all the circulating medium of the rest of Europe. He thought he could not issue too much, while he lent at low interest on good security. In the same manner—let the Bank look that they do not lend too much at low interest. Another case applicable to the present was the Bank of Paris. The Bank of Paris was not the Government Bank. It lent out money on moderate interest, and was founded on good security. In 1785, the government, wishing for money, contrived to borrow from the Bank, and to interfere with the paper currency. The Bank having furnished loans to government, augmented their paper. This again produced a run on the Bank: at last the Bank stopped. But the Bank immediately limited their paper; and though the exchange had fallen ten per cent. the Bank felt no difficulty. This example was made for the instruction of this country. A Committee was appointed to inquire into the business, and they stated three things as particularly to be attended to. The first was, that government should not borrow from

the Bank; very different from the practice in this country. They next stated that the Bank funds should only be laid out on short securities, that they might always have it in their power to restrict their issues; and in the third place they stated that the Bank should draw in their discounts in case of a drain; for the meaning of a drain was, that more notes had been issued than were required. This could not be difficult, if attention were paid to the first symptoms of superabundance. Gentlemen would perhaps say that this case was not similar to ours. But he would maintain that drain was a proof of superabundance. The paper of the Paris Bank amounted only to ninety millions when it stopped, while one hundred millions at another period was not found too much; but then there arose circumstances, such as war, which totally altered the relation of the sum wanted. He protested, therefore, against the laying down a particular maximum: the only rule of guidance was necessarily the drain. They were exactly like the Bank of Paris. There were a variety of other circumstances to the same point, and he believed Sweden was one. The Swedish Bank, like the Bank of Paris, lent at interest. It had been said, that the difference between this country and the Continent made all these foreign instances inapplicable: but were there no limits to this proposition; were there no countries on the Continent situate like ourselves? The Swedish Bank, he was persuaded, was of that description—they lent at interest; but they lent somewhat too largely, and stopped at a depreciation of seventy per cent. They also say a great difference in the price of commodities is highly inconvenient, that trade would suffer; they wish to temporize, and are indisposed to reduce their issues of paper. The excess of America was also in point. Their paper was also issued on very good security. Demerara and Surinam were also in point. It was very natural for us to think that we were the centre of our own system; in the same way as was supposed that the sun kept running round the earth, and not the earth round the sun, we always imagine that the bullion keeps on rising, and not that our currency goes on depreciating. He said he understood that in Sweden also bullion was said to rise. He remembered when he was in a Russian counting-house, he had no idea how the exchange, now down to eleven, and now up, was continually against that country, in the same manner as a leading tide, though it appears for a little to go back, keeps gradually gaining

more and more ground. The general unfavourable exchange was to be attributed to the paper money issued by several successive rulers of Russia: and these variations had their origin in causes that might somewhat reduce, but could never substantially effect that unfavourable exchange. Will it be said, that the same measure may be favourable here and unfavourable there? It appears from Marshall's Life of Washington, how unwilling the Americans were in 1791 and 1792 to own the depreciated state of their currency. They were all inclined to impute their unfavourable exchange to an unfavourable state of trade. It was true, that there were continual variations of trade, which produced minor changes in the state of exchange. But the Bank must take the hint given by nature, and limit their issues.—This was the gate which they should open for the evil. When the question was with regard to so great a body as the Bank of England, it became of immense importance to look to the general principle.—If they did not calculate this operation of nature, they would bring the greatest danger on the country. He did not think the Bank of England guilty of any particular excess; but what he blamed them for was, that they did not lately look to the exchange, take a hint from it, and act as they would otherwise have done.—But they felt no pressure on themselves.—Supposing the Bullion Report contained all the blunders imputed to it by the right honourable gentleman, still if it had done nothing else but call the attention of Parliament to the subject, it had done immense service to the country.

Mr. Adam Smith said, that if any man had an exclusive power of supplying the currency of a country, it was in his power to give any price he pleased. He granted, a great deal of distress would arise from the removal of the restriction, but he merely wished to put this question: would they rectify the exchange? (*Hear!*) He did not say that distress might not follow; but he said, that the Bank of England would do great mischief. One of the objections was, that no gold was to be had. Nobody felt more than he did the difficulty of procuring gold. It might be true, that gold was dear all over the world, and was likely to remain so, and that might be an argument for altering the standard; but if they had twenty per cent. above paper, they had taken leave of gold. If gold is dearer all over the world, then depart from the standard.—He wished to concede something to the Bank. If, with increased issues, the com-

merce and prosperity of the country had increased, it was well; but when the exchange became unfavourable, it was to be considered, whether to maintain our currency at its standard at home, we have to suffer a depreciation in its foreign relations. The honourable gentleman submitted a number of other arguments, which we are obliged for want of room to omit. He asked, whether it were better to wait under an idea that some chance should relieve us, or to act like men who understood the subject, and seek a remedy for our danger? He said the Bank Directors seemed to be ignorant of certain principles. He derived some hope when he saw how we had recovered our exchange in 1801 and 1802: but it was to be remembered, that in 1801 and 1802 there was much gold in the country, and that by the subtraction of that the country was benefited, though the bank-notes were not reduced. But the departure then was only 7 or 8 per cent. It is now 20 per cent. It has also remained so for two or three years. It was then peace, and it is now war. It seemed, therefore, a matter of prudence to submit to the only means of guarding against a greater evil. He adverted then to the state of our trade; and according to the shewing of the right honourable gentleman last year, being the most favourable balance of trade ever known, the exchange ought to have been favourable, while it was, on the contrary, as was well known, so very unfavourable.

At half past one o'clock the farther consideration of the question was adjourned to the following day.

HOUSE OF LORDS.

TUESDAY, MAY 7.

SLAVE TRADE.

Lord Grenville rose, in pursuance of his notice, to move the second reading of this Bill. The penalties inflicted by the Abolition Act had been found insufficient, because they were only pecuniary. It was therefore necessary to punish offences against this Act in a higher penal degree, though he was one of the last who would wish for any increase of the penal laws. Though the extent of the present proposed penalties did not amount to death, yet, as they made the crime a transportable felony, he trusted the Bill would be

attended with the desired effect. He was sorry to say, that he had proofs sufficient and complete, that the penalties of the original Act were inadequate. From our own ports, ships were fitted out belonging to native residents in this country for this traffic, who had been in the same trade formerly, and who covered their vessels with foreign flags, &c. One of the King's ships had actually brought into Sierra Leone a vessel called the Marquis of Romana, which proved to be the Prince William, of Liverpool, and well known there, as its owner also was, whose name he should not mention, and which contained one hundred and ninety negroes. This happened in September, 1810. The Judge of Vice-Admiralty at Sierra Leone had stated, that since the abolition, no less than 1091 negroes had been brought into that port in a similar manner. His Lordship had only on that day heard that a cargo of negroes had been brought to St. Kitt's recently, and put up there to open sale.—He wished to know whether Ministers had heard any thing of this.

The Earl of Liverpool said, that proper inquiry should be made into the matter noticed by the noble Lord. His Lordship spoke very highly of the conduct of Mr. Elliott, in the Leeward Islands, and his disposition to put the law into full force.

Earl Stanhope thought that no penalties would be effectual for the abolition of this nefarious traffic. When landed in any of our Colonies, every negro ought to be free; and if that was disliked or opposed in the Colonies, Parliament ought to shew them that it had ample powers to make its Acts respected and obeyed.

Lord Grenville thought, that if the present measure should not prove effectual, the suggestion of his noble friend would well deserve consideration. He wished to know what Government had done in the way of representation to Spain and Portugal on the subject of the abolition. He was more especially induced to this, from what he had read of the proceedings of the Cortes, wherein it was proposed to abolish the traffic before it should be demanded by Great Britain.

The Earl of Liverpool said, that strong representations had been made on this subject to Spain and Portugal, and that Mr. Wellesley, our Minister in Spain, had particularly distinguished himself in the way and spirit in which he had made those representations, and which, he hoped,

would not disappoint their expectations. It was a matter, however, which required much management and discretion, considering the particular feelings of Spain, especially as to any thing which regarded her Colonies. The Bill was read a second time, and ordered to be committed to-morrow.

CAPITAL PUNISHMENTS.

Lord Grenville moved, that the House should go into a Committee on the Bill for consolidating the capital punishments for offences against the Revenue Laws. His Lordship made various observations on the subject of capital punishments, and the preferable system of the certainty of inferior punishments, which was a change desired by those who had most cognizance and experience of offences that involved such penalties.

In the Committee there was a great deal of conversation between Lords Grenville, Spencer, and Redesdale, and several verbal amendments were agreed to. The Report of the Committee was ordered to be received to-morrow.

HOUSE OF COMMONS.

TUESDAY, MAY 7.

LIVERPOOL DOCKS.

General Gascoyne moved the farther consideration of the Report of the Liverpool Dock Bill.

Mr. Creevey moved, by way of amendment, that the Bill be recommitted, for the purpose of receiving a Clause, appointing other inhabitants of Liverpool, besides the Corporation, trustees for the purposes of the Bill.

General Gascoyne replied. The Corporation were entitled to the greatest confidence. They did not come forward praying Parliamentary aid to carry this plan into effect, as was done in so many similar measures; but they proposed to raise nearly a million of money, by taxing themselves. This proof of the great commercial prosperity of Liverpool, offered a proud prospect to the country at large; while it proved to the enemy, how impotent were all his efforts to ruin the trade of this country. The object of the measure was solely to meet and accommodate the increasing commerce of Liverpool.

General Tarleton shortly adverted to the progressive improvements of the trade and port of Liverpool. In the reign of Queen Anne it had only about 100 barks; and now six thousand large ships entered its port annually.—That town was much indebted to its Corporation; but still he thought that other inhabitants, besides the Corporation, should be trustees under the Bill.

A division then took place, when the recommittal of the Bill was negatived by a majority of 67 to 19. The Bill was then ordered to be read a third time.

PARISH SETTLEMENTS.

Mr. Cripps moved the second reading of the Parochial Settlement Bill.

Mr. Whitbread entertained serious objections to the principle of this Bill. He was rather for extending the facilities of the poor in obtaining a settlement; but this Bill went to restrict the very limited facilities which they at present possessed. He was no friend to that Argus-like vigilance which was too often exercised to prevent the poor from obtaining a settlement. The effect of the Bill was to prevent men from bringing their labour to the best market. As a general principle, he thought it but fair, that in the parish where a man had spent his best days in labour, there also he should be supported in old age, if he required assistance. Thinking that this Bill had an injurious tendency, he should move that it be read this day six months.

Mr. Morris was proceeding to argue against the Bill, when Mr. Cripps said that he had no objection to postpone his motion, as the discussion seemed likely to occupy a good deal of time, when another business of much importance was expected to come on.

The farther debate on the Bill was therefore adjourned to this day se'nnight.

BULLION REPORT.

The House having resolved itself into a Committee, on the adjourned debate on the Bullion Report.

Mr. Vansittart rose in support of the Resolutions he had laid before the House, and to answer the arguments which had been advanced against them. He began by saying, that he was never more surprised than at some of those arguments, and particularly that which had been adduced for the purpose of prevailing on the House to repeal the Act for

the restriction of the Bank to pay their notes in coin. This was a measure which he could not but deprecate as fruitful of inconveniencies and evils of the greatest magnitude. He must consider the Report of the Bullion Committee as one of the boldest attacks on public credit which he had ever heard of. Nothing could, in his opinion, be more necessary, nor more highly conducive to the interests of the public, than the restriction which had taken place on the payment of specie by the Bank. It had in all times been found that coin would find its way out of the country; but in periods when exchanges were unfavourable to us, it must do so in a far greater degree; and in such exigencies it was extremely necessary to adopt every measure which would tend to repress so great a mischief. It was very well known, that at various periods before the restriction took place, the exchanges between Great Britain and the various countries with which we traded had been very much against us; and that at such periods the price of gold and silver bullion, and especially of such gold bullion as could be lawfully exported, had often risen above the Mint price, especially when expensive naval and military operations have been carried on by us abroad, or when large importations of grain from foreign parts have necessarily taken place among the merchants of this country. In consequence of the war which commenced in 1793, and the scarcity of corn which took place in 1795-6, the drain of specie and of gold and silver bullion had been found so great, that it was thought necessary to restrain the Bank from paying in specie, which it had ever since been deemed necessary to continue; notwithstanding which, from the course of exchanges on the Continent still continuing against us, the gold and silver bullion had, in spite of every effort of the Bank to the contrary, risen in price greatly above the Mint price. His honourable and learned friend, who was the mover of the present question, had, in his Resolutions which he had submitted to the House, and in his argument of last night, attributed the high price of gold to causes and circumstances in which he (Mr. Vansittart) could not but widely differ from him; and he did so in no one instance more, than in that of his last Resolution, relative to altering the time of the continuance of the restriction. Among the many weighty reasons which led him to form this opinion, there was one which particularly struck him as most forcible, viz. that

there was an issue of Exchequer-bills to a great extent, which there was no other mode of redeeming but by keeping to the regulations already provided. This he would shew from the Report of the Bullion Committee itself. [The right honourable gentleman then read an extract of some length from the Report of that Committee, which he thought supported his observation.] His honourable and learned friend (Mr. Horner) had last night observed, that his (Mr. Vansittart's) Resolution did not say, what part of the Resolutions of his honourable and learned friend he (Mr. Vansittart) allowed, and what he contradicted. In answer to this, he would have said to his honourable and learned friend—but he was sorry not to see him in his place—that with regard to the standard value, he (Mr. Vansittart) wished to put it to the House, how his honourable and learned friend would be able to reconcile it with law. He would wish to ask him, what weight he fixed to the silver currency? In legal payments, nine hundred and ninety-nine in a thousand were below the sum which he had mentioned. According to his learned friend's argument, a sum of twenty-five pounds may be paid in silver, in crowns, half-crowns, and shillings; but if the debt was one shilling above that sum, it must be in such silver coin as weighs the full and exact weight fixed by the Mint. To this he would however answer, that as such payments were generally paid in notes as infinitely more convenient, he thought there would not frequently be occasion to advert to this legal distinction. His hon. and learned friend had said, he (Mr. Vansittart) was bound to admit or deny that Bank-notes were or were not equal to coin. In this he differed with his honourable and learned friend, He (Mr. Vansittart) was not bound to shew that Bank-notes were to be of the same value. He never knew or had heard that Bank-notes had any standard value; but he had always understood they had a current value; and he believed they had always been, and were at this time, held to be equivalent to the coin of the realm; and he (Mr Vansittart) would be glad to know from his honourable and learned friend what instances he had ever met with in which Bank-notes had fallen short of their nominal value? His (Mr. Vansittart's) proposition was this, viz. that notes of the Bank of England had always had equal currency with coin. If his honourable and learned friend denied that, he was bound to prove the instances in which they were not so: he would still assert that Bank-notes, though not a legal tender, except in cases

of arrests, had always, been deemed equivalent to coin, and he could not, therefore, see in what respect they were depreciated. Gentlemen who entertained that opinion, ought to shew in what instance they were so. On the subject of exchanges he was clearly of opinion they had in all periods when unfavourable given cause both to the scarcity of bullion and to the rise in the price of it; and in support of this, he referred to the opinion of Sir Francis Baring, whose authority he believed would be allowed to be very good. That worthy and enlightened man being asked whether he thought a circulation of paper to an excess would have an effect on manufactures and labour, answered that it would certainly tend to raise the price of both; but he denied that it would have an effect on goods sent abroad. As his honourable and learned friend had assumed that this depreciation of currency, as he termed it, had actually affected the exchanges abroad, contrary to the opinion of Sir F. Baring; his honourable friend, and all those who coincided with him, ought to make good their assertions, and prove the same on authority equally good. As to the case of Irish currency, he was on the Committee, and was always of opinion, that the excessive issue of Bank paper had, in that particular instance, been the occasion of raising the exchange against them; but that case was governed by very different circumstances to any that could ever attend the issue of Bank paper in this country. It had been argued too generally, that the increase of paper currency would tend to increase the rates of exchanges. We had seen France in the predicament of a vast redundancy of paper currency, but still the exchanges remained the same, and the prices of articles of necessity continued very high, even after the return of cash. Exchange was one of the highest refinements of civilized society, depending on the greatest confidence, and on regular and quick communications between different countries; but of late it has been in Europe so surrounded by despots, that it has been thrown out of its accustomed regular channels, and almost annihilated. Before he entered into a short review of the propositions before them, he wished the Committee to make a distinction between the profits of the Bank before the restriction and since that period. It appeared, a profit of seven or eight millions had been made; but he would wish the Committee to consider how much the private banks had made, and they would then see the profits of the Bank of

England were by no means so great as had by many persons been imagined. In speaking thus of the profits of the Bank, he would not admit they had made any unfairly, unless it could be shewn that the Bank had been guided by self-interest. The increased issues of the Bank had been small and gradual. From 1802 to 1809 they did not increase more than 3 or 400,000*l*. Since that time their issues have been considerably increased, but that was owing to the excessive rise in various articles. As the proposition of his hon. and learned friend was said to be only introductory to an ulterior resolution, he did not think it necessary to go fully into it. The right honourable gentleman then adverted to the Resolutions proposed by Mr. Horner; and the first he took notice of was the 8th, which he said there was no doubt was true, viz. "that promissory notes of the Bank of England are stipulations to pay on demand the sum in pounds sterling respectively specified in each of the said notes." He thought the answer given to this in his 3d Resolution was full and satisfactory, viz. "that the promissory notes of the said Company have hitherto been held, and are at this time held equivalent to the legal coin of the realm in all pecuniary transactions to which such coin is legally applicable." Unless his honourable friend could refute this Resolution, he would maintain there had not been any depreciation in the actual value of Bank of England notes. To the tenth Resolution he objected, because it held out that the standard value should be regulated by weight, which he denied was the case. As to the eleventh Resolution, though far from wishing to call on Parliament to enter into Resolutions of a negative nature with respect to country-bank paper, yet he could not agree either in the premises or conclusion drawn by his learned friend. He allowed that many bankruptcies had occurred; but in his opinion that had not been occasioned by an over-issue of Bank paper. He was far from saying that some regulation as to country-bank paper should not take place; but he was afraid Parliament, by their interference, would not be able to produce the advantages expected from it. He wished an honourable gentleman opposite (we suppose Mr. Huskisson) would give his opinion on the subject. With respect to the 12th Resolution, he saw no occasion for its being put on the Journals. The 13th Resolution appeared to him to be so far from the fact, that he must avow his scepticism as to that part in particular which refers to the exchanges, and to the depreciation of the paper

currency of this country having had any effect on them; for he denied that any depreciation of Bank-notes had actually taken place. As to the 14th Resolution, if there were any power in the Bank of England to bring about any alteration in the exchanges, he would certainly agree to it; but as that was not the case, he thought it unnecessary. The 15th and 16th Resolutions of his honourable friend, he had answered in the 16th and 17th Resolutions submitted by him (Mr. Vansittart) to the consideration of the Committee. There was no saying what might be the extent of the public alarm, if it were supposed that there was no adequate currency. It was to guard against this, therefore, that although the recurrence of the circumstances which led to the restriction was not to be anticipated, yet it was supposed proper to take precautions against the danger which it was foreseen that public alarm might produce. He would now consider the consequences which appeared to him likely to follow from the House adopting the propositions of the honourable and learned gentleman (Mr. Horner). In the first place, suppose that the Bank had now resumed its payments, but that the coin should be, as it is now by law, prohibited from being exported, what would the country gain? There might be a change in the circulating medium of bullion, instead of paper; which would, he allowed, be a valuable improvement; but still he did not think that the mere advantage of gold circulating in this country instead of paper, would be worth the danger of the experiment. It was, however, universally allowed, that it was not possible for the Bank to resume its payments at present; and it appeared to the Bullion Committee, that two years was the period at the end of which they should return to their old system. If this proposition was agreed to by the House, they must then consider what effect would probably follow from its adoption. In the intermediate time between the determination of the House and the execution of their Resolution, the Bank must necessarily use every possible effort to procure bullion, in order to be prepared for resuming their payments. The great mass of bullion, which they would be obliged to purchase up from all quarters, would necessarily tend to sink the rate of exchanges still lower than they are at present, and therefore a great evil would be produced during this period. A great mass of bullion must also be withdrawn from circulation, and locked up for two years, without yielding any interest or advantage whatsoever to any person. It

was supposed by some that an advantage sufficient to balance those evils would result from the credit of the bank-notes being increased. This was a position which he doubted extremely. It was certain, that the Bank, in such case, must restrict very much its issues and its discounts, and almost suspend all its operations. In such a state of things, he would ask, what sort of a currency would the country have during those two years? In the place of bank-paper, some other paper must be resorted to, or else the country would be without any circulating medium. A right honourable gentleman (Mr. Huskisson) had himself delivered a similar opinion in 1797, when examined before a Committee of the House of Lords. He expressly stated, "that if so large a portion of the bank-notes as four or five millions should be repaid in the course of the year, it would either produce a substitution of paper of some other sort in the place of bank-notes, or otherwise there would be a general, if not universal, danger to the whole commercial interest of this metropolis." Now, as to bankruptcies, we have seen too many in the present times; and if in 1797 the withdrawing of four or five millions was likely to produce all the consequences which had then been stated, how much more mischief might be expected now to result from such a measure as ordering the Bank to resume its cash payments in two years? He was now prepared, in case the House should reject the propositions of the honourable and learned gentleman, to submit some other propositions to their consideration; and as they were already before the House, and had been under the consideration of the members, he did not think it necessary to go into much detail. In the first Resolution he had laid it down as a general proposition, "that the right of establishing and regulating the legal money of this country had been at all times a Royal prerogative." In laying down this proposition, he begged leave to guard himself against the idea of his believing that the Crown could, without great public inconvenience, materially alter the existing currency of the realm. His second resolution was, in substance, "that the promissory notes of the Bank of England were merely engagements to pay certain sums of money of the legal coin of the country." The Bank had not engaged to pay bullion or any thing else, but legal money of this country. He also wished to declare, that the Bank had always paid its engagements in legal money of this realm, from the time of its first foundation, to

the period of the restriction by law. This restriction was imposed by Parliament as a necessary guard against the dangers which might be apprehended from public alarm, during a period of war, when invasion was threatened; and therefore Parliament at that time thought, that no other limit could be set to the restriction but the period when peace should be restored. Parliament, however, always reserved to itself the competency of declaring the time when the restriction should be taken off. Although the reasons for continuing the restriction were now different from the reasons which first called for that measure, yet he would leave it to the judgment of the House, whether the reasons for continuing it now were not fully as strong as the original reasons for laying it on. He thought that it would be right for Parliament to express a distinct opinion on those subjects. He also thought that it should be distinctly stated, that the rates of the exchange had often before been unfavourable to this country at a time when paper was convertible at pleasure into gold, and consequently when no reason for the unfavourable state of the exchanges could be deduced from any defect in our currency. The very new circumstances of the present times placed the country in a new situation. Formerly, while our commercial intercourse was free with other nations, there was something in the nature of the exchange which had a tendency to rectify its own irregularities, and therefore it was formerly difficult to depress the exchange beyond a certain degree: there was a natural tendency in exchanges to recover the *equilibrium*. The circumstances, however, in which the country was now placed were so new, that while such quantities of corn were regularly imported, and while every obstruction was thrown in the way of our exports, there was no saying when the rate of exchange was likely to become favourable. He would also wish the House to come to a resolution, declaring that they saw enough in the present internal situation, and external relations of the country, to account for the present unfavourable rate of exchange, without supposing any depreciation in the currency. After this, he would wish to move a Resolution, declaring the sense of the House for the ultimate resumption of payments by the Bank. If a Resolution, however, should be passed for the resumption of payment absolutely at the expiration of two years, who was there that could foresee what new events and circumstances might occur in the mean time, which would render it most

unadvisable? No one could foresee how the state of Europe might be altered in the mean time by the events of the war, or what might then be the state of our commercial relations. Under those circumstances, and entertaining such views of the subject, he could not coincide with the propositions which had been brought forward by the honourable and learned gentleman, and thought that the adoption of them might be productive of the most serious inconvenience and danger.

Mr. Huskisson could not agree with the opinions that the right honourable gentleman (Mr. Vansittart) had just delivered in his luminous and able speech; nor was it possible for him to give a silent vote upon this subject, even if he had not been so pointedly called upon as he had been by the gentleman who spoke last. That right honourable gentleman had, in the middle of his speech, called upon him, (as he thought somewhat irregularly) to declare shortly an opinion upon this most intricate subject, in order that the right honourable gentleman might proceed to comment on it. This was, however, a subject on which he found it necessary to deliver his opinion at somewhat more length. He was aware, in offering himself to the House, that it would be necessary for him to revert to opinions which had been already much discussed, and he could not revert to them without recurring at the same time to details which he feared would appear dry and uninteresting to the Committee. It was, however, necessary for him to recur to those opinions and arguments, in answer to the speech which had been just delivered, and which, as he thought, struck at the foundation of all financial and commercial principles established in the world. The right honourable gentleman had said, that the Bullion Committee had made one of the boldest experiments that was ever made on public credit, and that they had brought the country to the very brink of a precipice. Now, as for the part he was to bear in such a charge, he must say, that when the motion was first made in that House for the appointment of a Committee to consider of the price of bullion and the rate of exchanges, he was not in the House, nor in town: but when he was appointed a member of that Committee, it then became his duty to give his utmost attention to the consideration of the subject. When the motion was made in the House for the appointment of the Bullion Committee, there was no sort of opposition to it; and when the Committee was ap-

pointed, it became their duty to investigate the subject with care, and to report to the House their conscientious opinions on the subjects referred to them. As to those consequences, then, which were said to have resulted from the publication of that Report, those men were not answerable, who had only conscientiously discharged a duty that was imposed upon them, and had formed the best conclusions which they were enabled to do from the evidence before them. He thought it was hardly fair to say, that their discharge of the duty which the House imposed upon them, and reporting their opinion, was making a bold experiment on the public credit, or driving the country to the brink of a precipice. In point of fact, it was not the Report of the Bullion Committee which originated the discussion. The discussion had commenced out of doors, and the public attention had been directed to the subject before the Report of the Bullion Committee appeared. It was better, then, that the discussion should come forward regularly in Parliament, and he thought that there was no subject more proper or more worthy of discussion in Parliament than the state of our coin and currency. In former times, reports on such subjects had been circulated by Parliament. In the year 1696, when the coin was debased, the Lords of the Treasury called on Mr. Lowndes, their Secretary, for a report respecting the circulation and currency of the country. That report was printed at the King's press, and circulated all over the country, and every body was invited to the consideration of it. Ministers at that time thought that it was much better to remedy the existing evil than to accept of the fallacious advantages which were then held forth from its continuance. Many persons now seemed to have completely lost sight of that which was always the grand principle of the circulating medium in this country; namely, that the only legal currency was coin either of gold or silver, containing a fixed quantity of those metals, and of an ascertained fineness. The quantity of such metals ascertained by weight was the standard, and the quantity alone could be the standard, with reference to the fluctuating value of other commodities. It followed then, that coin of the standard fineness could only be deteriorated by a departure from the standard weight. It had always, while coin was the circulating medium, been a prime object of policy in all countries to keep their coin up to the standard weight and fineness. In the earlier periods of our history, the

greatest anxiety prevailed in the Legislature to preserve the coin of the country undeteriorated. The names of coins were originally the names of weights for so much gold or silver. Thus, the pound sterling in this country and the *livre* in France. Our penny-weight also was the weight of a pennyworth of silver, as appeared by a statute in the year 1266, in the reign of King Henry III. with respect to the regulation of the price of bread. The attention of all our ancient monarchs was very much fixed on the preservation of the coin in its purity. He was astonished that the right honourable gentleman should seem to conceive that the shilling was a coin which had no regular standard. Weights were made and kept at the Mint, which were the standard weight of a shilling as the legal coin of the country. As to the deteriorated worn-out silver coin now in circulation, he would not give them the name of shillings, but would call them counters, merely serving by way of change in the place of shillings of the legal standard. In the Act of the 14th of the present King, it was enacted that silver coin was not a legal tender for any sum above 25*l.* except by tale or weight. As to the gold coin, if it was diminished more than one grain in weight, it ceased to be a legal tender. There was formerly a scale by which it was ascertained what the gold coin was to pass for when it varied slightly from the standard weight, and after a certain degree of falling off from the standard weight it could only be tendered as a legal payment by weight. It had been often stated, that not only gold and silver, but any commodity whatever, might be made money, if it was the standard to which the price of other commodities was referred. This was a position which he must fully allow and admit, that any commodity might in that way answer the purpose of money and become money. The precious metals, however, had many decided advantages in this respect over any other commodities. He would not admit that they acquired their value entirely from any convention or agreement; but he thought they came into the situation they now are from their possessing intrinsic value. They were money before they were coined. He admitted that they so far partook of the nature of other commodities, that the abundance or scarcity must increase or diminish their value. As to what is called price (if there was no paper currency), it would be merely the comparison of other commodities with gold and silver considered as commodities. When the

price of either gold or silver is talked of separately, it could only mean with reference to the other precious metals. It appeared to him, that it was not possible that there could be any real excess in a currency of gold and silver, and that nothing could be more absurd than to state a precise numerical amount of money which would be proper for the circulation of any given country. If the gold and silver was less abundant, a certain quantity of it would go farther in exchange for other commodities; but if it was more abundant, it would require a greater quantity to purchase the same articles. The price of all other commodities would then rise and fall according to the abundance or scarcity of the precious metals. When paper, however, was the currency, and that paper not convertible into gold or silver, then there might, indeed, be an excessive issue. Even in that case some persons now contended, that there could be no excess of issues of Bank paper; and their argument was, that the supply did not exceed the demand. It was said, that no man would ask them for money unless he wanted it to make some use of. It was evident, indeed, that the individuals applying for the money wanted it, but it was not evident that it was for the public good that such issues should be made. Before the Restriction Act was passed, nobody spoke of the quantity of notes issued by the Bank. That was a secret which no person was interested in penetrating, when the paper could at pleasure be exchanged for gold and silver. Since the restriction, however, we hear for the first time of the quantity of money that is necessary to serve this country; and the Directors of the Bank appear to have got a scale by which they can gage the country with as much precision as an exciseman can take the contents of a cask. His fixed opinions upon the subject of currency were, that coin was of no value except with reference to the gold and silver it contains, and that paper was of no other value but in reference to the coin it represented. If the currency consisted partly of coin and partly of paper, the excess of paper above what the currency would be if it was coin, must be an excess of currency, and naturally tend to depreciation. It must be obvious that the value of money is in the inverse ratio of its quantity. The value of currency consisting of gold and silver cannot be depreciated. If paper, then, has no other value but in reference to coin, and if coin has none but in reference to the gold and silver it contains, it follows that the real value of

the paper is measured by the quantity of gold and silver in the coin which it is said to represent. He then, in confirmation of his opinion, referred to a work which must be considered as something more than an ordinary publication; he meant the letter of Lord Liverpool to the King, upon the subject of coins. Independent of the great ability which was manifested in that work, as it was published in consequence of a regular inquiry on the subject, it carried with it the weight of official research, and might be considered in some degree as an official document. His Lordship stated "that all commodities take their price and value in reference to coins, or, in other words, to the quantity of gold for which they could be exchanged." The value of paper, then, by this reasoning, must have fallen from the time when it would purchase a larger quantity of gold than it will do at present. When the right honourable gentleman then stated that these notes had a value in public estimation and opinion, different from their value as referred to the price of gold, it was he that broached new doctrines, and such as were totally different from all former opinions on this subject. The bank-note does not bear the same proportion to the gold contained in the coin that it did formerly, and therefore it is depreciated. If great perplexity and confusion had been produced upon this subject, it was not by the Report of the Bullion Committee, but by the manner in which that Report had been handled. As to the effects of an increased taxation in depreciating the currency, it probably had some effect, but that effect found a natural limit. The expense of working the mines prevented an over-abundant supply of specie, and the effect of a scarcity of it was only to increase its value, and consequently to diminish the prices of other commodities. The depreciation which the Committee contemplated was a depreciation of one part of the currency from particular causes, which depreciation was detected by a comparison between the paper-money and the Mint standard of gold or silver it represented. If the coin part of our currency did not bear its proper proportion to the Mint standard, as if, for example, a smaller quantity of gold was called a guinea, then the depreciation would be in the coin; but as it is the paper which represents a smaller quantity of gold than a guinea contains, it is the paper which is depreciated. In the year 1696 there was a deterioration in the value of the coin to the amount of 30 per cent. but the proposed remedy of

lowering the standard was rejected. At present, in all payments which the Bank have to make, nothing can be had from them but bank-notes; and by the protection of persons from arrest who tender bank-notes, as well as by making them legal payment for taxes, the bank-notes are now generally considered as legal tender. If then, by any cause, this great circulating medium of the country became deteriorated, it was of the utmost importance that Parliament should discover those causes, and be able to point out the remedy. In all cases where there was a great deal of coin in circulation, which was worn out and deteriorated, the coin which was not worn out was withdrawn from general circulation, and then a new coinage was formerly conceived necessary. As coin that was of the Mint standard could not be kept in circulation among a deteriorated coin, so neither could gold coin be kept in circulation on equal terms with a depreciated paper. No two things of very unequal value could long continue current at the same price; and nothing could be clearer, than that a Bank of England note does not now represent the same proportion of gold which is in the guinea that it did formerly.

Mr. Huskisson then proceeded to observe, that the value of the dollar referred to standard was 4*s.* 6*d.* that quantity of silver was now passed for 5*s.* 6*d.* and foreign gold was at 4*l.* 15*s.* an ounce. Was it to be conceived that when there was this superiority of value in uncoined gold over the guinea, any gold could remain in circulation? or that when the dollar was raised, the denomination of the currency in silver was not raised, and the law of the land virtually encroached on? (*Hear!*) If Ministers had raised the 7*s.* piece to 9*s.* it would have come near the true proportion to the present value of the guinea; and how was it then to be said to be the same aliquot part of a coin, which by the law was worth only 21*s.*? It would be said, that no argument from dollars could hold; they were not the coin of the realm; they might not be a legal tender: but was there any man who would hesitate to give notes for dollars? It would be said, if we had not paper, we must have some other medium. Suppose we imported foreign gold, Dutch ducats for instance, they must be issued at their actual value of 15*s.*; and was not this a raising of the denomination of the currency? When the Minister made gold bear a higher value in the shape of a Dutch ducat than in that of a guinea, the legal currency was really depreciated. (*Hear!*)

If a foreigner was told that forty-four guineas and a half were coined from a pound of gold, and that clipping and wear were guarded against, by their not being a legal tender at less than a certain weight, he would say that their circulation was perfect; but if he were to hear that four shillings and sixpence worth of standard silver passed for five shillings and sixpence, he would see that it was impossible that the proportionate value could be sustained. Silver could no longer be the same multiple, or submultiple, that it was before; and the guinea, of which that quantity of silver had been an aliquot part, must have varied in the same degree with its aliquot. Shillings might retain their proportion to the legal value of the guinea, because shillings were only worth nine-pence a piece. Under the present circumstances, a premium was virtually offered by Government for exportation, as distinctly as if they had offered a bounty of 25 per cent. on sending the gold out of the country. Four dollars were made equal to a guinea and a shilling, but the metallic value of a guinea was actually equal to the purchase of five dollars, and something more. Suppose a case:—An English merchant was indebted 500*l.* to a merchant in Amsterdam. His course was to buy a bill of exchange, which would buy 100 ounces of gold in Amsterdam. But some foreign Jew here, one of those who was in the constant habit of transporting gold, and who was encouraged to that practice of fraud and perjury by the very nature of the law, finding that for 21*s.* he could buy a guinea in London, set himself about buying 500*l.* worth, and sent them off. That quantity of guineas would be equal to one hundred and thirty ounces of gold in Amsterdam; and after the one hundred ounces were discharged, the thirty would remain in Holland, an actual premium as against this country. (*Hear!*) There was an instance which had come lately within his immediate knowledge on this point. He held the letter of a person engaged in the gold traffic; the House would not of course require any thing farther than the mere statement of the transaction. (*Hear!*) As payment for some balances, the dealer on this side of the water sent over at different times 10,829 guineas, and in one of his letters stated, that understanding there was a profit of 20*l.* per cent. on the trade, he then sent 5,000 more in two bags. The insurance freight, including all risks, was not more than 1 per cent. and the traffic was carried on without difficulty. (*Hear!*) In King William's time, the guinea

was of the same standard as now, but the silver was deteriorated. Guineas rose to 25*s.* and 30*s.* The 21*s.* was not made an equivalent by law, at that rate of depreciation to the guinea, and therefore the guinea did not disappear. This was wise in the Government of that day, in the opinion of a high authority on the subject, the late Earl of Liverpool. If now guineas were allowed to have their rateable value in paper, they would not disappear. It was true, that if guineas were allowed to carry this rateable value, it would be rather difficult to deny that the paper was depreciated. (*Hear!*) But the paper was not depreciated in public estimation, according to the Resolution of an honourable Member (Mr. Vansittart). If it was sustained at all, it was in an estimation growing out of terror, growing at this moment out of a pending judgment. If this were once settled, public estimation would soon show what it really was. In every part of the country, there were already two prices. (*No! no! from different parts of the House.*) Mr. Huskisson stated, that he had undoubted proof of the fact. (*Hear!*) He had in his pocket a letter, printed and addressed to Members of Parliament, by a person intimately acquainted with those matters; and that letter stated, that two prices were prevalent in the country, and that the usual premium for guineas was half-a-crown. But was it not undeniable, that in Ireland, there were clauses in many of the leases for payment in gold, and that guineas were bought at a premium for the rent, and must not the landlord make a difference in those leases and tenants? He would now repeat, and seriously repeat, the question of the last speaker on a former night. Was there any real standard of payment? He did not mean the question ludicrously; but not one hint of such a thing was given in the pamphlets which undertook to answer the Report. He wished to know whether notes were the real standard? and if so, why should not the guinea be called one-and-twenty fortieths of a two-pound note? (*Hear!*) Certainly it ought, if paper was to be the real standard. Those pamphlets had no fixed idea on this point: one of them talked of an abstract standard. Let them put this absurdity into language, and try how they could talk of an abstract payment. Let them talk of an abstract dinner. (*Hear! hear!*) Most of those gentlemen on the side of the abstract standard were in the service of Government, and it would be worth their while to consider how they would be satisfied

with an abstract payment of their salaries. (*Hear!*) Those writers admitted, that if the standard were in coin, the currency was depreciated; but when they found the standard in paper, they found it in the interest of 33*l.* 6*s.* 8*d.* Three per cent. Stock. It would be idle to enumerate those disjointed opinions. They contested the scarcity of gold. If gold was scarce, goods must be cheaper than before the scarcity; but goods were not cheaper, though gold was grown dearer, and therefore something besides the scarcity of gold must be thought of for the cause. (*Hear!*) An honourable gentleman (Mr. Rose) had made a most singular statement, and most contradictory to itself, in his observation on the apparent rise of prices in France. That gentleman said, that last year the prices of labour were higher in France than in England, therefore gold must be cheaper in France than here; but it was allowed that there was a profit of twenty per cent. on exporting gold to France from England; and the whole statement must be left to that honourable gentleman to reconcile as he could. (*Hear!*) It was a matter of high importance to consider into whose hands the currency of the country was now come. As individuals, he felt every respect for the Directors of the Bank; but it was his duty, as a Member of Parliament, to look upon their present privileges as power—a thing capable in other hands, and in other times, of being turned into political power. It might not be the intention, perhaps it could not be at all the intention of the present individuals, to turn their influence in that way; but it was right to look to what might happen at a future day. The Directors, in the present instance, had two interests. It was their duty to promote the profits of the proprietors, and they also owed a duty to the public. The Directors themselves were not among the principal holders of stock, and probably no view of their own profit was concerned in their late issues; but they must consult the general profits of the institution. There was striking injustice in lowering the value of the circulation by excessive issue. Suppose an agreement was made to pay a certain quantity of cloth or corn at a certain time, was the creditor to be told that late events had made it necessary that he should be satisfied with only a part of his cloth or his corn? Would he think himself justly dealt with by being told of the expenses of the army in Portugal, or any other intrinsic drain on his debtor? (*Hear!*) If any reference to time was allowed,

the spirit of money payments was entirely gone. So long as the paper was convertible, so long the evil of the issue might amend itself; but with the non-convertibility, the evil became increased and menacing hourly. It was said, the industrious classes were benefited by the issue; but if they were, it was at the expence of those classes who promoted and sustained the industry of the country. If it were once received publicly, that the standard of payment was to be varied by time and circumstances, the nature and form of contracts must be essentially altered. Contracts would be made, as they were once before, with reference to those changes. There were in the law books, examples of contracts, where it was agreed that if the currency was changed in any manner, or (what was peculiarly applicable to the present time), if foreign coin was brought into the kingdom, and suffered to be current at a higher rate than the former medium, payment should be made by weight, and not by coin. (*Hear!*) He was told, that he was, in the pamphlet, which he published, an enemy to the system of credit; he was quite the contrary. He thought the Bank of England, in its original principles, a model of such establishments. In foreign countries, there was nothing like it for use and excellence. In some great trading cities, for instance Hamburgh, the banks were banks of deposit, and the paper represented a certain quantity of silver really deposited in the bank. This paper could not be depreciated, because it always represented the real value. But then it could represent no more than the silver actually deposited. The Bank of England by its security had all the advantage of a bank of deposit; and by its extent, all the uses of a bank of discount; and thus the circulation was spread to the value of three or four times the actual money in the Bank, and so much loss was of course saved to the public. It was said that the pamphlet alluded to tended to degrade the national character. Certainly not, unless that character was to be degraded by saying that the standard should not be imaginary, but in coin. He had also been censured for comparing the principles of the present Direction of the Bank to those of the Mississippi Scheme. But on looking over Mr. Law's express words, he found that famous projector saying, that as long as the Bank continued to issue what was required only on real transactions, and took back all that was brought back, there could be no excess, because few people were fond of

keeping more money by them than they wanted at the time. The House would observe the similarity of those expressions to the words of the Directors, who were before the Committee. (*Hear!*) An hon. gentleman (Mr. Rose) had objected to the first statement of the Report, that the price of gold in 1810 had been so high as 4*l.* 10*s.* and the Bank purchases were quoted as a proof that it never rose above 4*l.* True, the Bank always refused to buy gold when it was higher; but the evidence of both Mr. Merle and Mr. Goldsmid proved that gold had even risen higher than 4*l.* 10*s.* an ounce. He must now vindicate the conduct of the Committee, from what he could not but consider as an extremely severe reflection on the spirit of their proceedings. That some hon. gentleman had said, that the peculiar nature of the answers which were given by Mr. Pearse and Mr. Whitmore, might be attributed to the sudden and unexpected style of the questions put to them by the Committee. But nothing could be more injurious than this conception. When the Governor and Deputy-Governor of the Bank were questioned, every mode of convenience and consideration was attended to: they were allowed to take home the questions, and even the answers with them, and it was only those answers reflected on and corrected, that were entered in the Report. Those gentlemen had the fullest opportunities for giving their most mature opinions. (*Hear, hear!*) If they desired to prevent the gold from being exported, they should take measures to bring the currency back to its standard. That the laws were unavailing to prevent that exportation, all persons were agreed. For himself, he should be ready to support his Majesty's Ministers in any measures they may propose for that purpose, if they could state any solitary authority that any man could believe they would be effectual. And here he must beg leave to ask the right hon. gentleman opposite (Mr. Vansittart), and his right hon. friend (Mr. Rose), what it was they considered as the criterion of the depreciation of paper? Was it not the difference between the price of the currency and the standard value of the coin? If any hon. gentleman in commenting upon such a state of currency as now existed in this country, as the currency of any foreign nation, were to have advanced the arguments and statements which the Committee had heard in the course of this discussion, every hon. member would be holding up his hands in token of surprise, to hear it gravely asserted, that,

while the exchanges were as low as 25 per cent. and persons were under prosecutions for buying up the coin at a price higher than its denomination, there was no depreciation of currency in such a nation. It was his opinion, that there was no symptom of a depreciation of currency in any country, which did not at present exist in some degree in this country. He would confidently put it to any practical man, whether it was not so? In illustration of this point, he could refer to a very recent instance, which was yet scarcely known to the public in this country; he meant the measure resorted to by the Government of Austria for the liquidation of its debt. The edict issued on the subject by a gracious Sovereign, must have proceeded from dire necessity, and every thing connected with it; and the circumstances of its publication, shewed that it had been resorted to with pain and regret, and that every care had been taken to render a measure which amounted to a breach of public faith as little injurious as possible. The edict he alluded to was that issued by the Emperor of Austria, for reducing the public debt of that government to the extent of four-fifths. By this edict it was provided, that for every 500 florins due, 100 should be paid to liquidate the debt. The edict, however, was accompanied by a table at the end, which had been prepared, shewing the rates at which the sums due, on transactions between individuals, should be liquidated; in which rates allowance was made for the depreciation of the currency at the time of the contract. These proportions had been arranged from month to month, so that debts contracted on or before the 1st of January, 1809, were to be discharged at the rate of 100 for every 103 florins: in February, it continued 103; in March, it was 105; and so on till 1811, when it was 100 for five hundred florins. Could any man doubt that this measure, severe as it was, had a tendency to lower prices generally, to raise the exchange, and to equalize the market and mint prices of bullion? No man who reflected upon this case, and considered what had taken place in this country, could possibly doubt that the currency was depreciated. Under such circumstances it was the duty of the House to consider seriously of some remedy. He hoped and trusted that the Bank had a very considerable portion of bullion in store. This opinion he entertained not upon idle rumour or conjecture, but upon very good grounds. It had been stated before the Committee of the Lords, in Feb. 1797, that if the drain from the

Bank were to have continued for a month, equal to what it had been during the preceding week, upon the average—or if it continued for a week on the average of the two preceding days, the stock of bullion would not have been reduced as low as it had been in 1782. Besides, in October, 1797, the Bank having no doubt made large purchases of bullion during the interval, communicated to Parliament that it was prepared to resume cash payments. He could not be persuaded, then, that the Bank had not a considerable stock of bullion. But though the Bank had not regulated its conduct with a view to its profits, it was still obvious, that it enjoyed large profits; and when he looked to those profits, he thought they afforded to the Bank the means of opening its payments again. In the suggestions which he had published on this subject, he had not dealt out any hard measure to the Bank. He was aware, that, by the restriction the Bank had been enabled to enlarge its issues, whilst the suspension of cash payments rendered it unnecessary for the Bank to keep constantly in its coffers a large deposit of unproductive capital to meet the demands for specie, which every Bank of discount is compelled to keep always ready. Was it then too much to expect, that the Bank should provide bullion even at its present price, when, considering the large profits it had made, that operation would not place it in a worse situation than it would have been in if no restriction had taken place. The restriction was intended to protect the Bank from the drain of specie to which it had been exposed in 1797, and to secure the public against all the ill consequences of suspending payments generally, if that drain had been suffered to proceed. That was the specific object of the measure, and not any regard for the principles and opinions which had lately been broached upon this subject. When the Bank, by means of the restriction, had been enabled to make extra profits, it certainly could not be too much to call upon the Directors to take the necessary measures to place themselves in a situation to resume their payments. The House was bound to adopt some specific remedy, and not content itself with a declaration that it was expedient that cash-payments should be resumed as soon as circumstances would permit. If the present system were to be continued, it would be cruel towards the Bank, it would be worse than cruel to the public, to oblige them to return to cash-payments six months after the ratification of a definitive treaty of peace, with all the

aggravated difficulties of procuring bullion at the advanced price to which it must unavoidably rise. Much had been said of the erroneous views entertained by the Bullion Committee; but all he should say was, that if he was wrong, he was wrong with Lord Burleigh, with Lord Bacon, with Mr. Locke, with Sir Isaac Newton;—if he was in error, he was in error with Mr. Pitt. Gentlemen who should refer to the debates in 1797 and 1798, on the policy and expediency of the original Bank Restriction Act, would find, that when the injurious consequences likely to flow from it had been stated by members on the opposite side of the House, it had been admitted by Mr. Pitt, whilst he denied the probability of the result foretold, that if the effect of the measure should be to produce a difference between the price of the currency and standard coin, it ought not to be adopted. If he was wrong, then he was wrong in conjunction with high authorities; and if the right hon. gentleman (Mr. Vansittart) was right, he was so with Mr. Law and Mr. Lowndes. The report of this latter gentleman to the Treasury he would wish every hon. member to read, before he should give a vote upon this question. That report stated, that silver had risen to 77*d.* per oz. But it also stated, that a similar rise had taken place at Amsterdam, and the exchange was then as low as twenty-five per cent.; and then, as now, the depression was ascribed not to depreciation but to a scarcity of currency. Mr. Lowndes recommended to raise the crown to 6*s.* 3*d.* the shilling to 1*s.* 3*d.* and to issue shillings having only three-fourths of the standard quantity, as the shilling at present had no more than that proportion of silver. Then, as at present, it had been stated, that great public advantage would result from an increase of the currency: and it was added by Mr. Lowndes, that when trade should be restored, when the exchange should be brought to a level, and the wealth of the nation re-established, then they might return to their old standard. But it had been said, that the wealth of the country depended on the present system of the currency being maintained. Good God! that the wealth of the nation was to grow out of the currency! Why, if every shilling in the currency was to be of standard perfection in coin, the wealth of the nation could not depend upon the currency. The wealth of the nation consisted of an industrious population, protected by good laws, of national character, of public spirit: in these respects every man abroad

would admit that we were a wealthy nation. But if our wealth were to depend upon our present circulation, however we may flatter ourselves at home, no person abroad would allow us to be wealthy. Whatever might be the decision of this question, his right honourable friend (the Chancellor of the Exchequer) would soon be convinced of the necessity of a remedy; and however partial he may be to the remedy which appeared best to him, he should prefer that which would have the support of the Government. Whatever the decision may be, he should not despond. When the necessity of the remedy should appear as obvious to other gentlemen as to him, it would necessarily be provided.

Mr. Rose, in explanation, observed, that when the hon. gentleman mentioned in his pamphlet, the celebrated scheme of Law, one would naturally have supposed, that he alluded to the Missisippi scheme, and not to the Bank in Scotland. But there was no more resemblance between this latter scheme and the conduct of the Bank of England, than in the former case. As to the admission of Mr. Pitt, he should only observe, that the last time he had been at his house, about three months before his death, he had declared, and he had taken a memorandum of the observation, that he could not foresee any circumstances in which cash payment could be safely resumed during the continuance of the war. The hon. gentleman had quoted the authority of Lords Burleigh and Bacon, and Sir Isaac Newton. With Lord Burleigh's works upon this subject he was not acquainted. Lord Bacon's works he was well acquainted with, and he could not remember any passage on this subject: and as to Sir Isaac Newton, he must observe, that he could not be prevailed on to write a line on the subject. The statement he had made respecting the price of bullion, he had had from Mr. Merle, who informed him that the highest price in 1810 was 4*l.* 6*s.* and that it had been as low as 4*l.*

Mr. Horner observed, that not only Mr. Merle, but Mr. Goldsmid and Mr. Binns, had stated the price of gold bullion as steady at 4*l.* 10*s.* during the year 1810.

Lord Castlereagh expressed a hope, that after all the patient attention which the House had paid to other important subjects, it would continue the same attention to that under discussion, and not come to a decision upon this vital question without mature consideration. Nothing could be more calamitous, than to keep, in these perilous times, a question of this kind hung over them from session to session,

When he differed from the Committee, he was induced to distrust his own opinion; but however unaffectedly he respected the authority of the members of that Committee, he considered the bearing of the subject too large to trust to any authority rather than to form a judgment for himself. The noble Lord then proceeded to comment upon the danger of inducing Parliament to discuss abstract propositions without any practical remedy: the honourable and learned member, as he understood him, having given up his last Resolution. After taking a detailed view of the whole of the case, the noble Lord adverted to the means resorted to by the enemy to produce an effect on our stability: first by a menace of invasion, then by exciting rebellion, and afterwards by an attack upon our finances through our commerce; in every one of which he had failed. France had now changed her system of hostility against this country, and aimed a blow at her internal circulation. This we ought by every means to oppose, and use our zealous endeavours to uphold a system which had enabled us to unite in time of war a great military expenditure with the greatest national prosperity.

Mr. Morris would confine himself to that part of the question which concerned the personal security of the subject. Under the present system, bank-notes were not a legal tender by a debtor in confinement, so that he must either remain in prison, or purchase bullion at a vast expence, to defray his debt. He stated this case, which had occurred, in answer to a challenge made by his right hon. friend, and should reserve the remaining part of the subject to another opportunity.

Mr. Vansittart inquired when the case had occurred?

Mr. Morris answered, in 1801.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 8.

On the motion of the Earl of Darnley, an account was ordered of Hops imported into Ireland; and his Lordship stated his intention of bringing before the House, in the course of the Session, the subject of the increased consumption of spirits in Ireland, and the diminution of the con-

sumption of beer, in consequence of the late reduction of duties on the former, if a Report should be made in time from the Committee of the House of Commons, who had the matter under consideration.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 8.

Lord Archibald Hamilton presented a petition, signed by 30,000 individuals, manufacturers, &c. at Paisley and its suburbs, praying relief. It stated that out of these, 1200 had been reduced to the utmost distress for want of employment; that this, in their opinion, was owing to the orders in council, and the blockading system; that the Ministers ought to be removed; and that Scotland, was not fairly represented. His Lordship observed, that none had greater cause for this last complaint than the petitioners; not more than thirty out of the 30,000 had voices in the return of members, though most of them would have had votes in England.

Mr. Curwen did not see how any relief could be afforded; but though a friend to reform, he was convinced that their distresses had been as fully attended to, as they could under any plan of representation.

The Petition was ordered to lie on the table.

Mr. Houstoun presented a petition from the operative Manufacturers, Journeymen, Tradesmen and others, in Glasgow and the neighbourhood, stating their distressed situation and praying for relief.

BULLION REPORT.

The House having gone into a Committee on the Bullion Report,

Mr. Parnell rose, and defended the Committee against the charge of having reported contrary to evidence. It was certainly true that they had reported against the assertions of the witnesses with the exception of two. But this circumstance, so far from being a ground of censure, ought to be considered as reflecting credit on the Bullion Committee. If it had been an object with them to have avoided this charge, they could easily have found witnesses to support

their principles. They would have done nothing more than had been done in a former Committee, if they had examined two of their own members, men of practice and science; he meant the member for Southwark (H. Thornton), and the member for Taunton (A. Baring). They might thus have produced a Report to which the censure could not apply. If, indeed, they had examined witnesses of this latter description only, there might, perhaps, be some grounds to impute an undue bias towards a particular doctrine. But instead of this, they chiefly examined those who held adverse opinions, that they might have the fullest information before them. As to the remark that they despised the opinions of practical men, it must be considered that practical men, or men in business, were not always the best judges of the science, or the principles by which the concerns in which they were engaged should be regulated. There was indeed no doctrine better established, than that even the most eminent practical men were not always the most conversant with the science of their business. In the work of the celebrated Dr. Smith, no doctrine had been more clearly illustrated than this, and the truth of it must be obvious to all who paid the least attention to the subject. It ought, besides, to be observed, that all men in business were interested in preserving the paper system, or in preventing a recurrence to the practice of barbarous times, as had been said on the other side. While payments were made in cash, they were under the necessity of keeping considerable sums by them at a material loss, and the profits of their capital were so far diminished. But in proportion as the paper system was extended beyond its natural limits, the accommodation derived from it enabled them to dispense with these sums, and to convert the whole of their capital into direct profit. He was far from saying, that all of them would be misled in their opinions by this consideration. Some of them, it was well known, had overcome this bias. But it might easily be conceived, that men in business, educated in details, and not accustomed to extended views, might, without attributing to them any improper motive, be led to make their opinions agree with their interest. Most of the witnesses then, who had given evidence contrary to the doctrines of the Report, were interested in the support of the paper system; and though they had no doubt spoken according to their conviction, their opinions ought to be received with caution. In taking so

much evidence of this kind, however, the Committee had proved their impartiality and desire of collecting every possible information. If that Committee had consisted wholly of men of mere science or theory, as it was called, there might be some colour of a reason to distrust them; but when men, not more distinguished for their science than their practical knowledge, supported the doctrines of the Report, their deliberate opinion was surely entitled to the fullest confidence of the House. It had been said, that the Report was defective, inasmuch as it had not adverted more fully to the late rise of prices. The reason, he apprehended, was, that it had not all the requisite information before it, though when he looked again over the Report, he found it more perfect in this respect than he had been at first aware of. As it was of the greatest importance that the cause of the rise of prices should be well understood, he would trouble the Committee with some observations on that head. Almost the only point on which the utmost unanimity had prevailed in the course of the discussion was this, that prices had lately risen excessively. It had been generally allowed that they had all risen almost equally. No cause of this rise could be considered as a good one unless it accounted, not only for the rise in particular commodities but for the general rise. The author of a work entitled "Practical Observations," on this subject, had said, that the Committee should have inquired into the effects of taxes and scarcity upon prices, before they alleged the advance of prices as a proof of the depreciation of paper. But it had been proved by the best authors, that taxes, scarcity, and general improvement, which also had been assigned as a cause, raised prices in general, but only affected particular commodities. A tax on the necessaries of life, for instance, raised the wages of labour and diminished the rent of land, but did not raise the price of the produce of land. General improvement would raise the price of land, but not of other things. The only cause that could account for a general and almost equal rise of prices, was an alteration in the value of money. In looking at the state of prices for the last 150 years, it would appear that they had remained nearly without variation, with the exception of the last fifteen years, when the effect of the American mines had come into full operation in 1794. This was a most curious fact, and in solving it he would have recourse to the labours of Dr. Smith. They could do no better than follow his

example, not only on account of his high authority, but because none of his doctrines had been less disputed than his positions as to the value of the precious metals. From 1570 to 1640 it appeared that money had become of four times less value. At the former period the price of a given quantity of wheat was 10*s.* or two ounces of silver—at the latter, the price of the same quantity was 47*s.* The discovery of the mines had been accounted by every body as the cause. It was not the rise of corn, but the fall of money. Taking the value of wheat then at different periods, one would easily be able to find the alteration in the value of money. In looking at the accounts in the appendix, it appeared that between 1774, when the currency had been settled, and 1794, the average price of wheat was 2*l.* 5*s.* 6*d.* Between 1794 and 1809, the average price was 3*l.* 13*s.* 10*d.* But then the market price of gold during the latter period was 4*l.* and therefore, he might state the price of wheat at 3*l.* 12*s.* Upon this reasoning, the alteration in the value of gold was as 280 grains to 422, or, in simpler terms, as seven to eleven. It might be said, that the rise in the price of corn was not owing to the fall of gold, but to the scarcity in 1800 and 1801. If this was not the cause, then no other could be assigned, and his position must be admitted. Now the scarcity could not be the cause of the rise, as the ports were open, and the prices might be nearly equalized with those of other countries. Comparing the prices in 1747, a year of great scarcity, and 1807, a year of great plenty, it appeared that the one was 2*l.* 7*s.* and the other 2*l.* 10*s.* If a general alteration of prices had taken place in other countries in the same periods, this would further prove the doctrine. Looking at the accounts, he found that a similar alteration had taken place in Spain. The Treasurer of the Navy and the right hon. honourable gentleman on the bench below (Vansittart) had proved an alteration of prices in France and Prussia exactly corresponding. The whole then proved the doctrine of Smith, that the value of the precious metals had fallen considerably from 1794 to 1809; the value being in the latter period as compared with that in the former, between 1774 and 1794, as seven to eleven, a depreciation of about sixty per cent. If this was correct, he had established a fact of the greatest importance in this discussion. For if gold had thus fallen in value, he had taken away the whole basis of the doctrine contended for on the other side—for their only

ground was, that gold, instead of falling, had risen excessively. After a variety of further observations, the hon. member referred to the works of Mr. Harris, from which he made several very pointed quotations.—That learned author had dwelt with great force and perspicuity on the invariableness of our standard of currency since the 43d of Queen Elizabeth. This standard he defined to consist in quantity of a certain weight and fineness. By this standard all money contracts were determined, all salaries regulated, all titles to property adjudged. The ultimate criterion of the value of all property was a fixed, a certified quantity of gold, and that therefore this certified quantity, which was the standard, should at all times be kept sacred from violation. That this standard being a general equivalent, could not be altered without an atrocious breach of faith, both to the subjects of the realm, and to foreigners, who might have claims upon them. (*Hear! hear!*) Had the right honourable gentleman (Mr. Rose), who cheered these sentiments, acknowledged the same definitions conveyed in the speech of his right honourable friend? (Mr. Horner). Did the right honourable gentleman below him (Mr. Vansittart) admit in his Resolutions that connexion between legal coin and bullion implied in the opinions of Mr. Harris? The question immediately at issue was really so plain and palpable as to require no additional illustration. What was the value of a pound sterling, but the value of the quantity of precious metal contained in it; and whence did the Bank paper derive its value, but from its purporting to represent the pound sterling? (*Hear! hear!*) As to the motive of the right honourable gentleman who had come forward to oppose the doctrines of the Committee, that the guinea still passed where it openly circulated for no more than its nominal equivalent in paper, he must say that the only cause of this was obviously a dread of the penalties of the law. (*Hear! hear!*) This appeared to him quite undeniable, the *bona fide* value of the guinea was very different from its current value. But was it to be supposed that the intrinsic value of the guinea could be raised by a penal enactment? (*Hear! hear!*) Among all the novel discoveries and doctrines which had been recently published, there was none that seemed to him more extravagant than the belief that money could derive any new value from legal penalties (*Hear! hear!*) If such was, however, the end and purpose of these laws, it was indisputable that

they did not do their duty, that they did not give an extensive value, and that they did not operate to equalize unequal currencies. (*Hear!*)—The fact was, that the few guineas which do appear occasionally, immediately pass at a premium, there being a permanent demand for them in the market. He would ask the right honourable gentleman (Mr. Vansittart) what the necessary effect of this was in the case of foreign bills? These bills paid in this country are discharged by guineas, for the procuring which a large premium is paid—a premium obtained at the cost of this country, and in favour of other countries. If we looked to Ireland, we should find similar appearances. He had a paper in his hand, which he received this day, containing a statement of the exchange between London and Belfast; and in the latter market guineas were now at a premium of 15½ per cent. If this was the case in Ireland, with which our commerce was perfectly free and unrestrained, it was quite incredible that guineas should not be at a premium in this country. Upon the general doctrine of the exchange, much as had been said about it, he could not help calling the attention of the Committee to a point on which all writers of reputation on this subject fully concurred. Lord Liverpool, and Sir J. Stewart, and many others, had declared that the quantity and intrinsic value of the precious metals constituted the only rule and measure of the exchange, and that the distance between which transactions were carried on, had no effect beyond the necessary expence of freight and insurance in the transportation of bullion. (*Hear, hear!*)—The right honourable gentleman opposite (Mr. Rose) had, however, in opposition to this principle, stated a fact to which he attached great importance. This fact he said he had obtained in a private examination of a person who had been examined before the Committee, and it was, that the cost of transmitting bullion to the Continent was not less than sixteen per cent. What, then, did this amount to, but an assurance to the public that so much might be gained by sending gold from this country to Paris? (*Hear, hear!*) An example might be taken from the exchange between two places where there was the same currency, as London and Liverpool. The difference of exchange would be found here to consist only of the expence of postage, and, in the same way, the expence could never be greater than the cost and charges of the conveyance. No conclusions from the theory of the balance of trade could overthrow this position. A great deal had been said upon

the influence of the present restrictions on foreign trade upon the exchange; and he could not help feeling some surprise that such an argument should be urged, after the clear and convincing statement made by his honourable and learned friend, in his reference to the exchanges between the Continental states. In addition to this, however, they would, by looking at the state of the exchanges between this country and those countries with which the intercourse was, and where no such restrictions operated, derive a similar conclusion. With respect to Ireland, this was obvious; but the right honourable gentleman (Mr. Rose) had favoured him with one very manifest proof of it, viz. that the Portuguese paper was now not at a discount of twenty-six, but only of eighteen per cent. Why what was the consequence of this? The Portuguese exchange had lately recovered itself to that amount, and he was therefore indebted to the right honourable gentleman for so striking and indisputable a proof of the truth of his principles. While the exchange with all other parts of the Continent has been growing of late less unfavourable to us, that with Portugal has as gradually been growing more so. It might be shewn, from the statement of the Minister himself, that, upon the head of our foreign expenditure, in that kingdom no less a sum than 700,000*l.* had been lost by this depression of the exchange. But there were other considerations which, in his judgment, were of a still more urgent and imperative nature. He could not overlook the interests of the Army and Navy, which were so directly involved in the issue of this discussion. But the consequences of the depreciation (and if this was, as he considered it, proved, it could only arise from an excess of paper) extended to all contracts of every description. (*Hear, hear!*) The landlord could let no leases while the value of money was liable to continual fluctuations, and the effective standard of the currency was abandoned. How could they grant leases while they were subject to a loss, which, in itself, doubled the amount of the income-tax? (*Hear, hear, hear!*) He did not mean to throw the blame upon the Bank; perhaps it was matter of surprise that they had not gone further. The Directors were men brought up to trade, and to a skill in promoting their commercial interests. Since 1797 they had new duties to perform, and duties of a most difficult nature. Twenty-four merchants then became entrusted with a power never before possessed. This was, indeed, to borrow the language of the right

honourable gentleman, the boldest experiment that ever w made upon the finance of the country, and, he must thi the greatest error of Mr. Pitt's life. Lord Liverp said, when the situation of the Bank of England v under the consideration of Parliament, in 1797, that t extent of the paper currency was the source of the d ficulties to which the country was then exposed. I opinion was of great value. It was not an opini given during the agitation of the public mind; but it w deliberately given some time after the restriction had tak place, and the question had been examined in all its bearin In looking to a remedy, something more than the m resumption of cash payments would be necessary. honourable gentleman opposite had said, that periodi restrictions of the Bank were necessary, and that it would highly dangerous to the country were such a measure not be allowed. If he were to state what was the cause of t difficulty in 1797, he would say it was the Act whi allowed the Bank to issue notes under the value of 10*l.*; so long as the Bank had not that power, the retail trade v carried on in coin, and consequently an extensive stock o was kept up in the country. It might be expensive, doubt, at all times to get this, but it was always possible get it. The Bank in this way got through the difficul and was able to keep its character. It was curious that t runs in 1783 and 1793 were greater than that of 1797, a yet the Bank was able to manage matters so as to extric themselves. But after the Bank was allowed to issue sm notes, in the space of three years the 5*l.* notes supplied t place of coin. The law against the exportation of c had this effect, that while guineas were melted down be exported, without such law the guineas themsel would be exported, and would come back again in t shape of guineas. A vast deal of the commercial distr of the country was also owing to the laws against usu He agreed in opinion with those who thought favoural of the utility of the Bank of England, and that it was a gr accommodation to the country; but he could not get o this fact, that if the Bank of England had never existed would have been wholly impossible to place the country the state in which it now was with its depreciated curren The good derived from the Bank of England might h been derived from more numerous bodies of banking co panies. In Scotland the great advantage of the bank

system there was, that there was not one great body, as in England and Ireland, but many chartered banks, who, in this manner, not only were more likely to contain a greater portion of talents, but gave the country all the advantages of their competition. Paper accordingly has always been circulated in Scotland to a much greater degree, and with much less prejudice to the community, than in England or Ireland. It might be said, that our whole commerce was at present in the hands of twenty-four Directors of the Bank, and that our whole finances depended on that commerce. Certainly this was a most uncommon power to be deposited in their hands. He wished to make a few observations with regard to the exchange with Ireland. It had been argued that the Committee had misrepresented last year this subject. In Ireland the case was this, that the restrictions were the same there as here; but the issues were augmented from 600,000*l.* in 1797 to three millions in 1804, and a bank was set up in every town and every village. The consequence was, that in 1804 the exchange was 10 per cent. against this country, and that guineas bore a premium of 10 per cent.; for there were no penal laws in Ireland, and it was palpable to every one that bank paper was there depreciated. It was curious that the manufacturers of the north of Ireland would not sell their goods for any thing but guineas, and pay their landlords in guineas. The consequence was, that while the exchange was 10 per cent. against Dublin, it was one or two per cent. in favour of Belfast. A noble Lord had said, that the exchange fell in two years in Ireland, without any great alteration of the issues; but the truth was, that there were not one-fourth of the banks in Ireland at present that there were in 1804. An argument had been urged against the Report of the Bullion Committee, that it was incompatible with the public safety. Without inquiring into the degree in which public safety might be affected by adopting the recommendation of the Committee, he wished to have taken into consideration what might be the danger of not adopting it. If it was possible that evil consequences could follow from that measure, it must at least be allowed that there was some risk in postponing it. If, circumstanced as our currency was, the commerce of the country should continue to be carried on as at present, it must be allowed that it would be involved in the currency. But who had the control and the conduct of that currency? The right honourable gentleman

at the head of the Administration was not the conductor of that currency; Parliament were not the conductors; but the twenty-four gentlemen who were Bank Directors were its conductors. The system of the country had changed the nature of the commerce of the country, which was now founded upon speculation, since so great a facility was afforded of obtaining credit.

Sir Thomas Turton paid some compliments to the Bullion Committee, who he believed had acted from the purest motives, and who, instead of doing any injury to the country by giving rise to the present discussion, would, in the end, be of service to it, as the wisdom and great talents of the House would, he trusted, set the question finally at rest. While he differed from his colleague (Mr. H. Thornton) in opinion upon this question, he agreed with him in saying that it lay within a very narrow compass. It was said that the depreciation was a proof of over issue; but how could that be said to be excess which was not more than equal to the demand? He then went into a state of our revenue at different periods compared with the present, and drew the inference that the issues of bank-paper had not risen in proportion to the rise of that revenue. There was nothing like a redundancy. What was the internal trade of the country? From Mr. Whitmore's evidence it appeared, that there was paid every day, on the counters of the bankers of this metropolis, not less than five millions. He then went into several other causes that might have occasioned the unfavourable exchange, without attributing it to depreciation, such as the unprecedented state of our trade, and the immense supplies of corn which we had lately drawn from the Continent.

Mr. Manning began by vindicating the late Governor of the Bank from the insinuations thrown out against him by the learned gentleman who opened the debate. He said, that with respect to any observations which he might offer in the course of his speech, he wished to be understood as merely stating his own individual opinion, and as one not authorised or commissioned by the Bank to speak their sentiments. A charge had been made against the Bank, that they had been guilty of a wanton issue of bank notes in the course of last summer, to the amount of three millions; it was, however, not a little remarkable that this very issue, which had been so censured, had been recommended by the Report of the Bullion Committee.

In the two first weeks of July, 1809, the issue of bank post bills amounted to 7,390*l.*; in the corresponding weeks for July, 1810, at the time of the failures at Salisbury and Exeter, the issue of bank post bills amounted to 14,300*l.* so that there was but an excess of 7000*l.* over the issue at the same period in the former year. Notwithstanding the great and material difference in the circumstances of those two periods, there had been in addition to this an issue of small notes between the preceding June and the October following, to the amount of a million and a half. An honourable friend of his (Mr. Huskisson) had, in the course of his speech last night, contended that bank-notes could represent nothing but so much in gold coin. He was not aware of any Royal Proclamation, or of any Act of Parliament, which made bank-notes the representation of so much in bullion; but to shew that this was not altogether a new case, or one that could be traced to causes which never existed till now, he begged leave to refer them to the authority of their own journals, where, so far back as the year 1620, they would find that the scarcity of gold and silver currency was then attributed to seven different causes, many of which exist at present. Sir Edward Coke is reported, in the first volume of the Journals, page 570, to have traced the scarcity of money at that time to the following causes—first, goldsmiths melting the gold and silver; secondly, gilding; thirdly, loss by exchange; fourthly, more imports than exports; fifthly, the East-India Company; sixthly, the importations of great quantities of French wines; and seventhly, the balance of trade being against us. Now at that time there was no paper currency, and no bank till seventy-three years afterwards, when the Bank was established in 1693. In his view of the causes which led to the Bank restriction in 1797, they appeared to him to be chiefly reducible to the then very great and prevalent alarm of invasion. Even the order then made by Government, obliging the farmers on the maritime coasts to remove their stock and provender far into the interior of the country, had the effect of extending this alarm so much amongst that description of persons, that they were every where selling off their lands and farms, and converting their substance into gold—so that, had it not been for the well-timed and seasonable restriction which then took place, he doubted if there would have been left a single guinea in the Bank of England. In the October following, however, when the alarm had somewhat subsided, the Bank

of England declared to that House their readiness to resume their cash payments; but the House, notwithstanding such a document was on their table, passed an Act continuing the restriction during the war. With respect to the Directors of the Bank, he affirmed that they had all along evinced the greatest anxiety to return to payments in specie, as soon as it could be done consistently with the country's safety. In his judgment that time was not yet arrived.—What he said of the Directors applied with still greater force to the Proprietors, for he believed that they in general were so circumstanced as to feel a greater interest in the prosperity and welfare of the public than in those of the Bank, could they be inconsistent with the former. On the renewal of their charter, the Bank gave Government three millions without interest, and the country participated in that benefit. He had purposely avoided the deep and involved intricacies in the doctrine of exchange, leaving that subject to those who were so much better qualified to discuss it than he was. At the same time he must avow himself to be one of those plain practical men, now quite out of fashion, who thought that the amount of payments was of great importance in regulating the exchange (*Hear!*) That exchange depended much upon the balance of trade, nay, on opinion, in which he was supported by no less an authority than that of Mr. Tooke. These two principles might assist them much in forming their judgments on this question, provided they hastened to no conclusion without a strict reference to the peculiar circumstances of the present times. In the Baltic trade, 240 ships, laden with exports from this country, had been confiscated in the course of the last year. It was allowed that there had not been any relaxation in the restrictions imposed upon the continental banks.—The military expenses of the army might be set down at twelve millions; the grain imported seven millions; and the expence of freight four millions and a half. He here proceeded to show, by a series of figures, that the demands of the country, and the pressure of its existing circumstances, required a circulation of upwards of twenty-four millions, which was more than the actual paper issue of the Bank, which had been complained of as so excessive. In one of the publications upon this subject by an honourable member, there was a proposition of instituting another enchartered bank for the purpose of preventing the excessive issue of paper. This, he confessed, appeared to him to be rather a

curious mode of limiting the issue of paper, since it struck him that if there were two national banks there must be a double issue of paper. It had been also urged, that there ought to be more banks of deposit, and a much less number of discount banks.—With respect to the city of London, he could only say, that of the seventy banks, but thirty-three had licence to discount; that of these, thirteen did not make use of that licence, and that therefore there were but twenty-three private banks which were merely discount banks. As to what had been said of the silver, he stated that there had been stamped in the course of that year in the goldsmiths-hall 143,000 pounds weight of silver, which far exceeded the average of any former year.—He next adverted to a passage in Mr. Huskisson's pamphlet, in which he contends that the intrinsic value of the guinea is more than its nominal value; but that did not prove the bank note to be worth less. He read a passage from a private letter to the same effect, and cited several passages from a pamphlet published by Sir F. Baring in November 1797, in support of the general expediency of making bank-notes a legal tender during the war, and stating it as a principle that credit ought never to be made subject to convulsions, and that even a change from good to better ought not to be allowed but upon the certain expectation of its remaining so permanently, as otherwise retrograde movements might be attended with consequences which were incalculable. (*Hear, hear!*) Such were the opinions of no slight authority at a time in many respects similar to the present, and for the greater part of the reasons upon which those opinions rested, as well as for sundry others, he thought that at present, and, perhaps, during the remainder of the war, the restrictions ought not to be removed. If the concluding Resolution proposed by the honourable gentleman (Horner) should be adopted, it would lead to the greatest possible mischief. It would open the flood-gate to let out all the specie from this country, without the chance of its coming back again; and that money which was now in the Bank, and might at any period be converted to the most useful purposes for the country, would be let out from the place where it was now safely lodged, and transferred to the furtherance of the enemy's cause. He should conclude by merely remarking, that the conduct of the Legislature in the years 1800 and 1801, when twenty millions of specie were allowed to go out of the country, and to overturn the balance of trade,

should be a warning to us on the present occasion. He was clearly of opinion the restriction ought to be continued during the war, and he should enter his protest against its being sooner taken off.

Mr. Baring thought it perfectly superfluous in him, after the able discussions which the principle and details of the Report had undergone, to enter at length into that part of the subject which had been so fully gone into. He begged, however, to throw out his opinion, and view of a question, which he conceived of the most extreme importance. His opinions as to the exchange, were certainly conformable to those stated in the Report, and detailed in the speech of the honourable and learned gentleman who had brought forward the question. He certainly agreed that there was a depreciation of our paper currency, for no other term except that of depreciation could he find capable of conveying his meaning; his wish by the use of the term depreciation being to convey, that it no longer bore that value which attached to the precious metals it purported to represent. He did not agree, however, that this depreciation was to be attributed solely to the excess of the circulation of paper, but to the state of trade, and the balance of exchange being against us. This depression, however, could not exist, if it were not for the state in which our paper had been placed. His mind was so firmly made up on this subject, that he did not feel it necessary to trouble himself in reading the publications of those who argued otherwise. If any person were to tell him that gold bore one price in London and another in Westminster, he should not believe him, convinced as he must be that he laboured under misinformation or misapprehension of the subject. That there must be an excess of paper he did not deny; and he also confessed that this excess of paper had raised the price of every commodity, and of gold with the others. The reason was obvious. Any country having a circulation of the precious metals, it naturally corrected itself; but no such limit applied to paper. The grand origin of the rise of gold, however, was the state of trade, and balance of exchange being against us. As this point was disputed, and as it was doubted whether it was the excess of paper, or the balance of trade which had turned the exchange against us, he should beg to read the opinion of the editor of Smith's Wealth of Nations on this subject, who says, "Hitherto notes answer our purpose, and so will they so long as there is a balance of

trade in our favour; but the moment the balance of trade is against us, and there is not a circulation ready to meet it, that moment there will be a depreciation of our notes."—Now, though this was but the opinion of a writer upon this subject, still being expressive of his opinion as to what would happen, he was more inclined to give credit to it than to any of the fifty pamphlets brought forth since the thing has actually taken place. He did not deny that there was an increase of bank paper; but this was occasioned by circumstances which rendered the increase necessary. The evil was not attributable, in a principal degree, to the paper, but to the state of trade; and if a change in trade took place, the exchange would in a great measure rescue itself. It had been said there was no difference in value at present between notes and gold in shops: if the system to which he should shortly allude was suffered to go on, no doubt there would soon be a difference. We should see mutton to be sold for 8*d.* per lb. if to be paid for in gold; at 9*d.* if to be paid for in paper. If a remedy of a proper kind was not speedily adopted, the House must be obliged to make this paper a legal tender for debt; else we might see a person sent to prison for debt with his coffers full of bank paper. A right honourable gentleman (Mr. Huskisson), in his speech of last night, had talked as if he was proposing what would be a proper circulating medium for a new country which had never yet had any political existence. He seemed as if he had slept during the last and present most calamitous and extraordinary of all wars, and told us what Sir Isaac Newton and Mr. Locke said on these subjects. They, however, had argued only on speculation, and could have had no conception of such a country, or of such a state of things as that which we now witnessed. When the right honourable gentleman came, however, to the time of Mr. Pitt, he told the House that he never had an idea, nor ever intended for a moment that there should be an alteration in the value of paper compared with gold. He (Mr. Baring) said it was impossible. Restriction itself implied a difference; and the only question that could remain, must be merely this, should it be more or less? To what extent should this difference go? This implied a depreciation. Excess always found its own check; but the moment restriction came, all check ceased. No extent of trade could ever require a Restriction Bill; but when the people came to raise a fictitious property, they must give it a circulating medium; and as the circulating medium here selected could not support

its value abroad, it must lose the requisite elasticity, and produce a balance of exchange against this country. An honourable gentleman on the bench beneath him (Mr. Vansittart) had said, that the funds had nothing to do with this. He (Mr. Baring), on the contrary, thought they had a great deal to do with it. A comparative view of the money raised during the present war would shew this. In the year 1793, immediately previous to the war, the sum raised was 17 millions and a half. In the year 1794, the sum was 45 millions; and from this sum it continued to increase, amounting in one year to 96 millions; and in the present year, by taxes and the loan, the sum raised would be upwards of 90 millions? He, for one, entertained serious doubts if any circulation could be found, not leading the country to ruin, to supply an increase of from 17 millions and a half in the year 1793, to nearly 100 millions in the year 1811. The honourable Baronet opposite (Sir J. Sinclair) might boast of his improvements in agriculture—of his highways and canals—and surely the country was in a high state of improvement—but what degree of improvement would be necessary to feed such a system? To do so, we must put a fictitious value upon every thing in the country—land let at 20*s.* must be supposed to be worth 40*s.* and so on in proportion. He recollected the Income Tax was calculated to be raised on a capital of 100 millions; but now we raised 90 millions within the year. The Income Tax produced about 12 millions, but we raised 90 millions, nearly to the extent of what was once dreaded as the extent of the whole National Debt, and to which when the National Debt should amount, it was thought the country must be ruined. To support such a system, we must give a fictitious value to property, and must have a fictitious medium of circulation for carrying it on. The first grand step taken by Mr. Pitt was an artificial system of finance. Suppose this to go on, and that instead of 90 millions, we must raise 180 millions;—then that it should require to be raised to 360 millions. If it could last till we saw this, would the right honourable gentleman say that all was right? Yet to this it must come, unless a change of system immediately took place. Yet when a depreciation of our paper was stated to have taken place, what said the right honourable gentleman? "Oh, it is all through the Bank." He (Mr. Baring) said, it all arose from the system of finance. The right honourable gentleman himself said last year, that every thing depended on a reform in our finances, and bringing our expenditure and income

together. Here, however, he had begun at the wrong end. He should have begun first with finance, and from that have proceeded to paper. In this country every thing was done by funding. The mass of the evil was to be found in the national debt, and not in the circulating medium. No person could look at 21 millions being the amount of bank paper in circulation with any degree of apprehension; all we had any right to look to with apprehension, was this mass of national debt. Till he saw the attention of Parliament called to our finance system, he could not think the country safe; but if we set zealously about it, the object might yet be accomplished with comparatively trifling sacrifices.

Mr. Huskisson explained, that he had thought it his duty to confine himself to the question before them.

Mr. Baring also explained.

Mr. Sharpe was extremely unwilling to press himself upon the House; but, at the same time, he was anxious to deliver himself, and other Members of the Committee, by whom the Report had been made, of a charge brought against them by a noble Lord (Castlereagh), who accused them of retroceding from the opinion once formed by them on the subject of that Report. He could affirm, that he did not know a single instance of any change of opinion in any Member of the Committee after he had once come to an opinion upon the subject. A still more important charge, however, had been made against them in another quarter, and that was of treating lightly one of the highest moral duties. He was the more peculiarly struck with this charge coming from the person by whom it was made, and cheered by a still higher person, from whom he still less expected any the most distant allusion to such a subject. They were charged with treating lightly the crime of perjury; and this charge was made against them by a President of the Board of Trade, and cheered by the head of an Administration, whose marked and uniform system had been to grant licences to vessels to sail with simulate or forged and fraudulent papers, which could only be obtained, or at least be successfully used, by fraud and perjury combined. He thought the principles laid down in the Report, and in the speeches which had been made in support of it, clear to a demonstration. He hoped, therefore, that the Committee would see the propriety of returning to what his honourable friend called the true principles of currency, leaving to merited contempt that climax of absurd definitions to which

the noble Lord (Castlereagh) had in his speech last night added the apex. The present state of things had been referred to taxation and the embarrassment of trade. But Hamburgh and Holland were subject to three distresses; and yet, as they had not the cowardice to resort to the measure to which this country had been driven in 1797, the exchange was in their favour. Paris itself was well taxed, and yet from its metallic currency, the exchange was in its favour. But it had been said it was in our favour with respect to Sweden. Though he was aware how the case really stood, yet he had inquired of the Swedish Consul, and was told, as he expected, that the exchange was 30 per cent. more in favour of Hamburgh than of this country. With respect to the depreciation, he had some facts to state. In the island of Guernsey, the guineas were paid to our own troops at twenty-three shillings each; and even this had lately been refused. It lately happened that a gentleman had received 1,000 guineas in specie, which he was desirous of investing in the funds. He was informed that the Three per cents. were at 64. He then asked, whether he could have them lower if he paid the purchase-money in specie, and in point of fact he bought them at 60. The matter would come at last to two prices. A debtor who tendered bank-notes, though not liable to arrest, might be taken in execution, unless he paid in coin—and when the depreciation proceeded, that coin would be demanded, and the Legislature would be under the necessity of adopting the recommendation of the Committee, or of making bank-notes in all cases a legal tender. They might as well think of stopping the tide at Westminster-bridge, as of stopping the exportation of the coin under the present circumstances. He concluded by declaring his full assent to the principles of the Report.

The Chancellor of the Exchequer then rose and said, that it would be an inexcusable want of duty in him, if he should not at some period of the discussion deliver his sentiments to the Committee upon this most important question: and it appeared to him, that he could not fix upon a more favourable time, than if he were to follow the speeches of the two honourable Members who had last addressed the Committee;—Members, who from their extensive general knowledge, and great practical experience, were best qualified to afford valuable information upon such a subject as that under consideration. The latter of these honourable Mem-

bers had given a clear and decided opinion, that unless Parliament shall adopt the suggestions of the Bullion Committee, the evils of the existing state of the circulation cannot be corrected; whilst the former had given as clear and decided an opinion, that the recommendation to adopt the suggestions of that Committee was a proposition not capable of being supported upon any sound view of the existing circumstances of the country. One of the honourable gentlemen had distinctly stated it to be his opinion, that the idea of making the Bank pay its notes in specie was impossible, and in the highest degree absurd; that the thing was not practicable; and was altogether out of the reach of our merchants, during the continuance of the present circumstances of this country and of the world to procure gold to be substituted for the actual currency. The other honourable gentleman, on the contrary, had strenuously contended that nothing could save the nation from those evils with which it was threatened, but a recourse to that very measure so declared to be wholly impracticable. In this state the consideration of the question rested, so far as those honourable gentlemen were concerned. For himself, he agreed with both, that this was a question of importance, involving no less than every thing that was dear to the interests and the welfare of the country. It remained for the Committee to decide, whether it should adopt a proposition which they were told upon such authority was absurd and impracticable—whether they should desist from maintaining that state of the currency which was essential to the existence, the security, and prosperity of the manufactures and industry of the nation. If they could be persuaded to adopt such a course, they would extinguish those means from which alone they could look for the possibility of recurrence to the former state of the circulating medium. He must here beg of the Committee not to suppose, that the question was to be considered merely as a question of depreciation without reference to the particular circumstances of the present times. And in this view he must agree with the honourable gentleman opposite (Mr. Baring), in thinking it somewhat strange that his honourable friend (Mr. Huskisson) should on a former night have represented it as not necessarily connected with any practical question. His honourable friend, in taking that view of it, seemed to him to occupy himself too much upon the definition of a word: but he must remind his honourable friend, that if he thought

it a question of depreciation only, it was not in that view only that he had discussed it. When the object of the propositions of the honourable and learned gentleman was to lead to the adoption of some measure for limiting the issues of bank paper, the question could not properly be considered as confined to depreciation, but as including also considerations of a practical nature. At that period of the debate, he did not mean to enter into much detail; but consistently with his feelings upon the subject, he considered it his duty to recall the Committee to the real state of the question. It appeared to be contended on the part of the gentlemen who maintained the opinions of the Committee stated in their Report, that the currency was depreciated—that the depreciation arose from an excess of bank paper—and that the evils resulting from that cause were so great, as to make it incumbent on Parliament to take some measures which would have the effect of reducing that excess of paper. On the other hand it was contended, that no proof was adduced of the excess of the general circulation—that no proof was produced of any depreciation—that no direct proof whatever had been attempted to be shown of either—and that what had been substituted for such direct proof, could not be received in support of what had been brought forward by those who supported the opinions of the Committee. As to the excess, he should ask, how did they know of it? Beyond what was the excess, if it existed? According to the principle of his honourable friend (Mr. Huskisson), it was the excess beyond what would be the amount of the currency, if there had been no restriction at all, and the Bank had continued to pay in cash; or, in other words, beyond what was found necessary for maintaining the wealth, the revenue, and the trade of the country. But he should contend, that there was no proof of an excess of circulating medium beyond what existed at the time of the restriction: and if even that had been proved, yet if the increase were not proved to be more than was necessarily required to meet the demands of the extended commerce, trade, manufactures, and revenue of the country, he should still contend that there was no proof of excess. His only difference with his honourable friend, then, was about the meaning of a word. What, he would ask, had been the state of this country since the commencement of the war? Had they not been spending more out of this country than they received by their exports? If

things had been going on as before the restriction took place, any increase of the circulation might be said to amount to excess; but when circumstances, such as those of the war in Spain, had occurred to require an increase of circulation, it would be more than he could admit, at least to any arguments which he had heard, that there was any excess, or that the circulating medium ought to be diminished. Every honourable member he had a right to expect would admit that there had been no excess of currency before the restriction. That at least seemed to be acknowledged on all sides, with the exception of the honourable Member who began the discussion that night, and who had maintained that even then there had been an excess. Every other gentleman who had spoken, fixed the limit to which it would be desirable to carry things back to 1797: but the honourable gentleman to whom he had alluded was of opinion, that they should recede still farther back. With respect to the state of currency which was not excessive, he should take that opportunity to explain his meaning. His opinion was, that the currency was not excessive if it existed in the same quantity as when paper was convertible into cash, or when it would be highly inconvenient for domestic interests and concerns that it should be diminished, and such diminution would be attended with great practical inconvenience. If they were therefore to restore the circulating medium to a quantity below what it was when paper was convertible, and when trade, revenue, manufactures, and commerce, were less than at present, they would adopt a measure productive of much and extensive inconvenience: they would withdraw that which was necessary to protect the wealth, to promote the industry, and to quicken and invigorate the enterprise of the trade, manufactures, and commerce of the nation. Suppose, for instance, that with a circulating medium of sixty millions, consisting of the precious metals, the country had a foreign expenditure of ten millions more than it received back for its exports, and that that expenditure were to continue for four years, would it not be the inevitable consequence, that to meet that expenditure, the circulation of sixty would be reduced to twenty millions? If in aid of this reduced circulation, ten millions of paper should be issued, the actual circulation would not exceed one-half of what it was; and yet, according to the principle of his honourable friend, this quantity of circulation, reduced by a moiety from what it had been,

would be in excess to the amount of one-third of its existing quantity. It was his real opinion, that if this country had not been relieved by the issue of paper, there would be less of circulating medium; and in that sense, if the honourable gentleman so meant it, there might be excess. But he must contend, that the circulation was not greater than was required; that there had been more gold withdrawn from the circulation, than paper added to it. But the great question was, whether, in the circumstances in which the country was now situated, it was necessary to maintain that state of currency and extent of circulation which were essential to enable us to continue the war, and that particular description of war in which the country was engaged; as well as to provide for the security and protection of the best interests, foreign and domestic, of this great Empire. At a time when we were maintaining so glorious a contest abroad, and meeting an enlarged expenditure at home, it appeared to him a material advantage that we should have a circulation applicable to all the purposes of domestic use, and calculated to keep up the enterprize and activity of our manufactures and national industry. This was the plain question: it was not so much, then, a question of definition, as of political consideration. In such a circulation they found the best means of invigorating every branch of national industry; and unless it should be maintained, they would not be enabled to continue the present contest. The honourable gentleman opposite (Mr. Baring) had stated to them what former wars had been, when war led to poverty, and poverty to peace; but he had also described the expenditure of a war such as the present, and shown that it could not be maintained but by a perseverance in the same principles of circulation which had hitherto furnished the means of prosecuting the contest. Was the House then prepared, because it found that the balance of payments or the rates of exchange were not such as they could wish, to withdraw from a contest upon which so much for this country and for the world depended? Good God! Withdraw from such a contest,—which must lead to the restoration of the ancient relations and intercourse of nations—which had for its object the re-establishment of commerce upon its former basis—when if commerce should be restored, it would afford effectually the means of bringing back what might in the course of such a contest be sent

out of the circulation and the country—and of equalizing the balances and exchange. The honourable gentleman who spoke last had satisfactorily illustrated the present state of our circulation, by exhibiting what we might have been, in the picture he drew of other places, if we had not a domestic currency to supply the place of coin when taken out of circulation. Look at Hamburgh, said the honourable gentleman; see that she has not had the cowardice to resort to such a substitute for her metallic currency: though her trade is ruined, and her independence gone, yet retaining her metallic medium, the exchanges are favourable!—Look at Holland, too, added the honourable gentleman—see how she, though ruined in her commerce, and bereft of her existence as a nation, though equally with Hamburgh subjected to foregn despotism and military oppression, still she has not had the cowardice to adopt the ruinous project of substituting paper in her circulation for coin, and the exchange is favourable to her! Happy Hamburgh! happy Holland! that in the midst of the ruin of your trade and commerce, and writhing under the pressure of a foreign tyranny, have had the courage to abstain from the issue of paper, and to secure thereby a favourable state of exchange!!! It was by no means his wish to conceal his own opinions, or to blink the question as to the serious consequences to this country, which may possibly result from the circumstances of its present situation; but whatever may be the dangers with which it is threatened, whatever the difficulties with which it is beset, he had no hesitation in saying, that he would infinitely prefer the state and character of this country, with its cowardice and any consequences of danger or difficulties that may attend it, to the very enviable situation in which the prowess of Hamburgh and Holland had been placed, even with all their advantages of a favourable state of exchange. The right honourable gentleman contended, that on the doctrine of depreciation, the term 'excessive issue of bank paper,' which was alleged to be the cause of it, was only a difference of opinion as to a word—and nothing could be more exaggerated than the ideas of those who argued on that head.—He insisted, that the arguments on the depreciation of the paper currency were founded on a mistaken principle. He denied that gold was a standard, or silver a standard; for gold was tied down to a given distinction, mixed with sil-

ver, and gold could not therefore be the regular standard of the country. He had no doubt but a recurrence to payment in specie might have a very great effect on the exchanges abroad, but he was afraid the experiment would be the total ruin of the country. He adverted to what had been said by the last speaker as to the Bank of Paris. The honourable gentleman who argued on it, admitted the Bank at Paris had met with great embarrassments; but they had, he said, the courage to meet them. It might be recollected, that the issue of that Bank was only two millions; and if that sum occasioned those great embarrassments, what must be the nature and consequence in this country when the sum was so much larger? In 1800 and 1801, when so much coin was wanted here, the money sent from hence made a material alteration in the exchange, and then the pressure was very great: but in 1802, the scarcity was at an end, and the pressure ceased. If the pressure, then, so much decreased, and the same circumstances have prevailed within the last two years, ought we not, in point of fairness, to draw the same inferences from the present time as we did then? He agreed perfectly with the last two speakers, that if the Bank could pay in specie, and depend on continuing to do so, it would be most desirable they should begin immediately; but if they began, and could not continue it, nothing could be more lamentable than their failure —it would be the surest way of accelerating the ruin of the country. The same scarcity has lately existed, and yet those gentlemen would wish to limit the issue of bank paper, which must of course prevent the possibility of carrying on the war on the Continent, than which no event more fatal to the interests of this country or of Europe could possibly happen. The honourable gentleman who moved the first Resolutions, had himself admitted, that it was now necessary to prosecute the war with vigour; but if the recommendation of the Committee, of which he was the Chairman, should be adopted, to carry on the war would be impossible. He (Mr. Perceval) was convinced it was now more than ever necessary to carry on the struggle in which we are engaged; and yet if the issues of the Bank were now to be diminished, it would be impracticable, and the country would be ruined by withdrawing from the contest. Upon the principle of justice, as well as policy, the Committee ought to guard against such a measure; for, if adopted, it would not only be without evidence, but contrary

to evidence, and the consequences must be most fatal to our dearest interests.

Mr. Canning said, that after the ample discussion the question had received from gentlemen whose habits and situations made them so adequate to the subject, he should trespass on the Committee only to say how far they ought to go. He believed more good had at all times arisen from discussion of the most delicate questions than avoiding it; but whether that might now be the case or not, the question had come before them, and it must be determined. If it were not proper to be discussed, it should not have been submitted to the consideration of a Committee, and they ordered to make a report on it. As it now stood, they were bound to go on. In arguing the question, he would neither condemn the Committee nor the Bank: he thought the Committee had been hardly used; for, whatever might be their difficulty, having been put into that situation, they were bound to proceed, and to make a report. As to the Bank, though they had certainly been placed in such an anomalous situation, as no body of men ever were before, with so many difficulties to contend with, and at the same time so narrow a ground to proceed on, it was agreed, he said, that we were acting contrary to the principles of our monied system, and it was therefore necessary we should enter fully into the subject; for though some had argued on the old system, there were not wanting those whose opinions seemed to convey the idea that we were now to begin a new æra in money transactions. He, for his own part, did not agree with the last Resolution of the honourable gentleman (Mr. Horner); and as such he could freely argue, without being supposed to be attached to either party. If the currency of the country were in a state of depreciation, there was an end of the difficulty, and they might dissolve themselves at once; but it seemed to him the cause of the depreciation was the departure of the Bank paper currency from that representation of coin which rendered it perfect, and no farther. His right honourable friend (the Chancellor of the Exchequer) had said, that a guinea, and a bank-note and a shilling, were one and the same; this he denied. In 1695, Parliament took this into consideration, and deemed a clipped guinea good; but in 1696 they denied them. The right honourable gentleman (Mr. Vansittart) had called for a definition of depreciation, and yet had denied the existence of a standard. He asked for a mea-

sure, yet denied the instrument by which it was to be affected: they placing the Committee in the situation of the Soothsayers of old, who were called on by the Counsellors of Nebuchadnezzar for an interpretation of his dream, and yet would not say what the dream was. What is standard? said the right honourable gentleman. He (Mr. Canning) would answer, that it was the weight affixed to the gold and silver by the law of the land. The bank paper should represent the coin, according to the standard; but if it represents it only as deficient in weight, it represents a defective coin, and is therefore a defective currency. His right honourable friend (Mr. Perceval) had, however, assumed, either that there is no depreciation at all, or, if there be, it is so small, we ought not to risk the mischiefs we may meet with in the contest. This was asking more than he was inclined to admit. The thought the honourable gentleman, who spoke last but one, had not been fairly, but rather hardly used by the Chancellor of the Exchequer, in the animadversions that right honourable gentleman had made; by which he inferred, that the honourable gentleman (Mr. Sharpe) had praised the situation of Hamburgh and Holland. The honourable gentleman had not mentioned them as *happy* at the time he said they abstained from the cowardice by which this country had been guided, but that Hamburgh and Holland, in adhering to the old system, in spite of the heavy pressure each of them groaned under, had thereby kept up the exchanges. He declared himself astonished last night when he heard his right hohonourable friend (Mr. Rose) say, that he was ignorant of the Report of Sir Isaac Newton, and seemed to think that there was no such thing in being; but he could assure his right honourable friend, that he (Mr. Canning) had read it; that it was a very elaborate one; and made by that celebrated philosopher in the year 1717, when he was Master of the Mint. Where there are two kinds of currency, the higher will always find its way out of the country; and you might as well attempt, like your King of old (Canute), to fix a boundary to stop the influx of the tide, as to prevent the reflux of the higher coin out of the country. [The right honourable gentleman argued at great length, with much energy and eloquence, and put the question into various points of view; but through which our limits will not permit us to follow him.] He said, he approved of the first eight

Resolutions proposed by Mr. Horner; and if his right honourable friend (the Chancellor of the Exchequer) would agree to adopt them, he for one should have no objection to engraft on them the two last Resolutions of Mr. Vansittart, which he thought would form a logical deduction.—Upon the most impartial conviction, he coincided with Mr. Horner in his declaration of the law with regard to the standard, and he approved the whole of his Resolutions, except the last; but he thought that contained something of a recriminating nature. He was clearly of opinion there had been excess in the issue of the Bank: but he thought they had done that without any unfairness. The task had been imposed on them without any seeking of theirs. After 1797, they had declared their readiness to resume their payments in cash, which had been refused both by Ministers and the Parliament. He could not therefore vote for that Resolution. He objected also to changing the time of requiring cash payments from the Bank; first, because he thought it unjust; and, secondly, because it might call on them to do that which was not in their power. That Parliament having fixed that period for the resumption of payments in cash, should keep to it; but they should at the same time take especial care, that the time so fixed should be strictly adhered to.

Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 9.

The Slave-Trade Felony Bill was read a third time and passed.

DISTILLERIES.

The Earl of Lauderdale adverted to the agreement entered into between the Lords of the Treasury and the Distillers, in which the former gave a pledge to the latter, that they should not be subjected to the high duties for distilling from sugar, although the Act allowing the use of sugar in the Distilleries had expired, and observed that it was an agreement without precedent, and he trusted that Ministers had lost no time in putting an end to that pledge as soon as Parliament had decided upon the subject.

Earl Bathurst contended that there were instances of similar cases of understanding with parties, and observed,

that in the Bill of Indemnity which must be brought in, the period would be stated at which the high duties would commence.

The Earl of Lauderdale gave notice, that, although he did not intend to resist the indemnity for what was past, he should certainly oppose extending that indemnity to one hour after the period when Parliament had declared its decision.

DISSENTERS.

Lord Viscount Sidmouth rose, according to notice, to propose a Bill to explain and render more effectual the Acts of 1st William and Mary, and the 19th Geo. III. so far as relates to Dissenting Ministers. His Lordship shortly observed upon the great importance of the subject, and proceeded to enter into the detail of the reasons upon which he founded the measure, chiefly arising from the abuses which he stated to have arisen from the interpretation which had been given to the law through the greater part of the country; and the description of persons who, under this interpretation, had obtained licences at the Sessions, qualifying them as preachers and teachers. Under this interpretation of the law, persons had only to present themselves at the Sessions, and upon taking the oaths required by the statutes, and subscribing the declaration substituted by the 19th George III, for the 36 articles out of the 39 (with the exception of part of the 20th) of the Church of England, which by the Act of 1st William and Mary they were required to subscribe, a licence was granted to them as a matter of course, without any inquiry as to their moral or intellectual qualifications, however ignorant or however depraved the persons might be who thus applied for permission to exercise the most important duties of religious instruction. This, he contended, was an abuse. It was not so in the counties of Devon, Buckingham, and Norfolk, where a different interpretation of the law took place, and where licences were not granted to persons making their applications, unless they were actually the Ministers of Dissenting congregations. His lordship read extracts from the Acts he had alluded to, for the purpose of shewing, that the description of persons they were intended to apply to were those who were persons in holy orders, or pretending to holy orders, and who were actually Ministers of Dissenting congregations.—At the period of the Toleration Act (1st

William and Mary), which he considered a just and wise measure, the classes of Dissenters were accurately known and defined; consisting of Presbyterians, Independents, Baptists, and Quakers. Since that time a great number of others had arisen, and there were a great number of Dissenting Ministers, who were not the ministers of any congregation. To shew the description of persons who now frequently obtained licences as preachers and teachers, he quoted the returns of two Ardeaconries respecting this subject, by which it appeared that these persons consisted of Tailors, Pig-drovers, Chimney-sweepers, &c. He did not object to their situation in life, if they were considered by Dissenters as fit and proper persons to preach and teach; but what he objected to was the self-assumption and the self-election by which they chose to consider themselves as fit and proper persons for that purpose, and without any other authority obtained a licence. He was utterly averse to any measure that could in the least infringe upon a just and liberal, and enlightened toleration; but he thought it was absolutely necessary to declare in this instance what the law was, not only that there might be no doubt in the minds of Magistrates, but also with a view to the Dissenters themselves, that they might know with certainty what was required of them. He had had communications with several Dissenters upon the subject; and it was but justice to them to say, that they had shewn a liberal and a candid spirit, and that from some of them he had derived valuable information. What he proposed to remedy the evil was, in the first place, that a person applying for a licence should, to entitle him to receive it, produce a certificate from six respectable house-keepers of the congregation of which he was a Minister, to prove that he was nominated a Minister of that congregation. With respect to those who were not Ministers of any congregation, he proposed that every one applying for a licence under such circumstances, should in like manner produce a certificate from six respectable housekeepers, that he was of sober life and conversation, and of fitness and ability for such a situation. He was aware, that amongst several of the Dissenters, it was customary for a person, before he was chosen a Minister, to go through a sort of probation, by preaching before the congregation, in order to shew, according to the expression of some, that he possessed the gifts requisite for a Minister. He had asked Dissenters with whom he had

communicated, what they had hitherto done upon that subject; and he was answered, that they had procured for persons in that situation a permanent licence. He thought it highly improper that persons in that situation should have a permanent licence, which, if they were conceived not qualified by the congregation, they might afterwards make use of to insinuate themselves into other congregations; and he proposed a licence instead, for a limited period, which would answer all the purposes desired, and would not be open to objection. Their Lordships would observe, that he proposed nothing that could in the slightest degree infringe upon the just principles of an enlightened toleration. His only object was, that with respect to persons making application for licences as preachers and teachers, there should be that presumptive evidence of their fitness which would be afforded by the certificates of respectable persons; and when it was considered that persons obtaining such licences were exempt from serving upon juries, from serving parish offices, and other duties to which their fellow-subjects were liable, it was surely highly requisite that some caution and circumspection ought to be used to prevent the abuse arising from persons obtaining licences with a view merely to secure the exemptions, to prevent also persons who, unwilling to obtain a living by industry, procured licences as preachers, and, having some volubility of tongue, imposed upon the credulous and unwary, and still more to prevent persons of depraved characters from assuming to themselves to exercise the most important duties that could be exercised by man—those of religious instruction. His lordship then took a view of the state of the Established Church, observing, that from the deficiency of accommodation in its places of worship, many persons were driven to Dissenting Meeting-houses, as the only places where they could receive religious instruction. This lamentable deficiency was proved by the returns on the table. In one place, where there were 600 families, there was only accommodation in the church for 44. In a diocese, containing 30 parishes, in only six of the parishes was there accommodation in the established places of worship for the population. In a parish containing 30,000 persons, there was only accommodation for 4,400. In another parish 20,000 of the inhabitants were at four miles distance from the church. Such in these and numerous other instances was the melancholy deficiency of accommodation

afforded by the Established Church. It was highly important that some means should be taken to prevent us from having a nominal established church and a sectarian people. In the reign of Queen Anne fifty new churches were directed to be built in the metropolis, of which, however, only ten were erected. At the present time to provide for the increase of the population of the metropolis, one hundred new churches were required, and he thought to such an object the attention of Parliament ought to be called; grants should be made out of the public purse in aid of the exertions of individuals, and every measure adopted to support the Established Church, which was a part of the Constitution, and upon which so greatly depended the sound morality of the country. His Lordship concluded by moving the first reading of his Bill.

Lord Holland would not act so irregularly as to oppose the first reading of a Bill; but he thought it right, in candour, to state, that he could not agree with his noble friend in the object proposed. His noble friend founded his measure upon an opinion, that it was only by the permission of Government that persons were entitled to preach those religious doctrines which they held; he (Lord Holland), on the contrary, was of opinion, that every person had a right to preach those religious opinions which he conscientiously believed. He regretted that the noble Viscount had spoken invidiously of persons in inferior situations of life becoming preachers, for surely they were fully as entitled to preach those religious opinions which they conscientiously believed, as those who received the advantages of the rich endowments of the Church. He regretted also, that his noble friend should have at all touched upon the subject, as in his opinion it could only tend to excite dissentions. No case had been made out which called for the interference of Parliament. The exemptions from civil duties, of which the noble Viscount complained, could only apply to a few persons; and it was better that these few persons should have their exemptions, than that Parliament should run the risk of exciting those dissentions which must be caused by meddling with the Toleration Act. He agreed with the noble Viscount as to the propriety of increasing the number of churches; but whilst he had no objection to a grant by Parliament for that purpose, he thought that the Church itself ought to be called upon to contribute to such an object, in which the interests of the Church were so materially

involved. He would not now go further into the subject until he had read the Bill; but to the object stated by the noble Viscount he was decidedly hostile, thinking it much better, and infinitely the wiser course, that the Toleration Act should remain untouched.

Lord Viscount Sidmouth, in explanation, disclaimed the slightest intention of speaking in the least invidiously of the persons whom he had alluded to, on account of their inferior station in life. As to the Toleration Act, it was no part of his object at all to alter it; his only purpose was to have it asscertained with certainty what the law was. On the subject of churches, he thought a Bill ought to be passed, enacting, that in every new church or chapel a certain portion of the area should be set apart for the admission of the people, without any charge.

Earl Stanhope thought it would be better for the noble Viscount to begin by some measure for building places of worship to accommodate those members of the Established Church who were now, as stated, for want of that accommodation, obliged to go to Meeting-houses, before he tried his hands with the Dissenters.

The Bill was read a first time, and ordered to be printed.

Lord Viscount Sidmouth gave notice of his intention to move the second reading for to-morrow se'nnight.

ARRESTS.

The House resolved itself into a Committee on the Arrests Bill.

A conversation took place between Lord Ellenborough, the Earl of Moira, the Lord Chancellor, Lord Redesdale, Lord Holland, and Earl Stanhope; the result of which was an agreement, that the sum for which a person may be arrested should be 15*l.* instead of 20*l.*; that the Bill should be limited to five years instead of being made perpetual; and that it should commence on the 4th of November instead of the 4th of July.

The sum being reduced to 15*l.* *Earl Stanhope* moved to leave out the parenthesis, subjecting persons to be arrested for 10*l.* on promissory notes and bills of exchange.

The question was put, that the words proposed to be left out stand part of the Bill; on which the Committee divided. We understood the numbers to be—Contents 7—Not Contents 3—Majority against Earl Stanhope's Amendment 4.

Strangers were not again admitted. The Bill passed through the Committee, and the House adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 9.

NEW THEATRE BILL.

Mr. Mellish moved the second reading of the London Theatre Bill.

Mr. Whitbread was not surprised at the honourable gentleman's motion; but was convinced, that when he had heard the explanation which he (Mr. Whitbread) was prepared to give, he would have no disposition to press it further. His right honourable friend (Mr. Sheridan) had, when this motion was before deferred, asked only for a period of six weeks, in order that sufficient time should be afforded for examining into the practicability of disentangling the concerns of Drury-lane Theatre, with a view to its re-construction. He had no private motive whatever in making this appeal to the indulgence of the House, for a postponement of this Bill until the next session, nor any other feeling than a sense of justice and of friendship to his right honourable friend. But he could assure the House that such progress had been made in extricating the affairs of Drury-lane Theatre, and arranging them in a satisfactory manner, that there was the fairest prospect of its being very soon rebuilt. The ground was at present wanted; but all the old obstacles were removed, the plan was drawn out, and there was no doubt that the subscription would be filled up. He gave no opinion upon the question of the propriety of having three theatres; but if that question should hereafter be discussed, and if it should be disputed that the present patents were good for any thing, all he could now say was, that property had been given for them, and that they were originally had only for a valuable consideration. He did not wish, however, to touch more upon this point, and should therefore content himself with asking that the Bill might be put off to the next session, and that if then no progress should appear to have been made either in re-erecting the Drury-lane Theatre, or in transferring the title, the whole subject should be inquired into.

Mr. Brown conceived that the explanation which had

been just made was by no means sufficient to induce t House to consent to any further delay. He must decl his opinion to be, notwithstanding what had been said the honourable member, that there was but little chance seeing Drury-lane Theatre re-erected. The honoura member's explanation amounted to no more than this, t the Committee appointed had examined into the embarr ments of the theatre, not that they were possessed of t means of proceeding. He had understood the object the former postponement to be to allow time for ascerta ing what ground there was for expecting that Drury-la would be rebuilt. But if there was the best reason for a ticipating that event, a third theatre was absolutely requis in the metropolis.

Mr. W. Pole expressed himself in favour of the postpo ment.

Mr. Peter Moore assured the honourable member (M Browne) that very little doubt would be entertained by h if he was acquainted with all the arrangements which h been made, of the success of the attempts to restore t magnificent fabric of Drury-lane Theatre. The claima and creditors of every description had all come forward, a he might say, had run a race in their eagerness to ma sacrifices on the occasion. Nor had his right honoura friend diplayed less liberality in foregoing his private in rests. There was now every probability of their being a to compass every object, and he therefore hoped son body would move that the Bill be read this day three montl but to be secure, he would move it himself.

General Tarleton said that the individual ought not be separated from the consideration of this question. H talents and literature, and the noble and almost stoical f titude he had evinced, gave him every claim upon the equ and indulgence of the House. A third theatre he could n deem necessary while the public preferred the feats of hor to the acting of Mr. Kemble.

Mr. Marryatt had no private interest in the issue of t question; but, regarding it as one of a public nature, he co not help observing, that, instead of there being a competiti among theatres for the favour of the public, the competiti was among the public for the amusements of the theatre. a box was wanted at Covent-Garden Theatre, it was nec sary to engage it at a fortnight's notice, and then the p might be tragedy, or might be comedy. He hoped Dru

lane Theatre might be rebuilt; but if it was, it would probably be on the same large scale as before, in which the convenience of the public was very little considered. The consequence of this was, that as nobody could hear, and few could see, it was necessary to introduce horses and asses on the stage, to the entire depravation of the public taste. It had also another very injurious effect, in narrowing the scope and remuneration to the talents of performers, many of whom could not procure opportunities for exercising them. He perfectly agreed in the opinion which Mr. J. Kemble expressed at the O.P. dinner at the Crown and Anchor Tavern, that to have one theatre in good order, we must have two in existence. It was a case quite analogous to that of the Bank; to keep that in good order, we should institute a rival to it. Without this we should continue to receive debased entertainment from the one, and depreciated paper from the other.

Mr. Whitbread observed, that by the 1st of October next, it would be determined whether Drury-lane Theatre would be re-built.

Mr. Morris contended that public taste had always been the subject of invective, and that his right honourable friend had done more than any man to improve it by his writings.

Mr. Sheridan professed that he felt highly flattered by the civilities shewn him by persons of the most opposite political feelings. At the same time he hoped he should be permitted to feel enough of pride to decline availing himself of what some of his honourable friends had asked for him, the favour and indulgence of the House. He wished only for their justice. As to what had been said upon the subject of depraving the public taste, the fault certainly was not with the managers. Mr. Kemble, he was sure, would rather act upon two legs than introduce animals upon four; but there was a prevailing corruption of taste arising from luxury or dissipated manners, and the loss of the countenance of people of rank..... There were, however, two Theatres already, and one, although quite small enough, and under the management of a man of genius and liberality, was almost deserted. He had himself, some time ago, directed the representation of a tragedy which appeared to him to be of very superior merit, written by Miss Baillie, and termed De Montfort. This play, although got up with great splendour of scenery and decoration, and had been previously published, entirely failed. He had no

censure to cast on the enterprise of those gentlemen who speculated on a third Theatre; but fully trusted that the present patent would not be infringed or abolished, without making a fair compensation. He was not a friend to monopoly; but Parliament had never yet resolutely interfered to destroy, without adequate consideration, any monopoly that had long been enjoyed, and on the faith of which property had been embarked. There was something too in asking Parliament to do that which the King in Council had refused to do, which in his opinion trespassed upon the King's prerogative. The Bill likewise was called, the London Theatre Bill; now this looked like an attempt to entrap the House into a belief, that the building was proposed to be erected in the City. He begged leave to ask a worthy Alderman whom he saw in his place, if this design was acquiesced in by the Corporation? (Sir. J. Shaw replied in the negative.)....It was only then necessary for him to say further, that there was no instance of grants being being taken away by Parliament without adequate compensation being provided, as in the cases of the Duke of Richmond, Lord Gwydir, the heritable jurisdictions in Scotland, and, what he certainly did not consider as chartered property, the boroughs in Ireland.

Mr. Dent asked if the City had not once permitted the Royalty Theatre within their precincts?

Sir J. Shaw replied, that it was out of the City's jurisdiction.

Mr. G. Johnstone thought a sufficient pledge had not been given for the re-construction of Drury-lane Theatre.

Mr. Sheridan explained; when, after a few words from General Phipps and Mr. Mellish, the House divided.... For the Bill 23—Against it 80.

BULLION REPORT.

Mr. Grenfell (the House having gone into a Committee to consider further of the Report of the Bullion Committee) supported in a few words the Resolutions of his learned and honourable friend (Mr. Horner). He professed himself to be of the same opinion he was last year, that the currency of the country had been, and still continued to be, in a state of gradual depreciation. He believed he had heard and read almost every thing that could be said upon the subject, and had heard it with a mind open to conviction — the result of his candid attention was, that

looking at the question as a plain practical man of business, he felt satisfied that the Resolutions proposed by his honourable and learned friend, were those which in his mind most consulted the best interests of the country, and as such they should have his cordial support.

Mr. Taylor thought the present that sort of question which could be best treated by discussing it partly upon the ground of authority and partly upon the ground of examples—existing authorities, he admitted, could not be very conclusive, when it was considered how men the best qualified to decide the question clashed in their respective ultimate determinations upon it—an opposite rule would, however, apply with respect to the selection of examples, for while, perhaps, they could not go too far back for authority, those examples were the best and had the most practical applications which were taken from the circumstances and events connected with the different banks upon the Continent. Applying then this principle to the subject before them, the honourable gentleman proceeded to shew by a variety of references to the practice and principles regulating the practice of the Swedish bank, the banks at Vienna, Paris, and Hamburgh, that a currency of paper of the same denomination with a metallic currency must invariably have the effect of driving that metallic currency out of circulation. This position, which he had thus attempted to establish by analogy and example, he should next proceed to support by reference to authority. The Memorial of the great Sir Isaac Newton upon the subject of currency, was considered a work in no sense inferior to any other of the immortal productions of that greatest of all philosophers. —Here the honourable gentleman read to the Committee an extract from this memorial, which went to establish as a principle in the doctrine of currencies, that where there were two currencies and both legal tenders, one must become depreciated. He referred also to the authority of Mr. Harris, who agrees not only in the justness of this principle, but goes a step further—he laid it down, that if there were established two currencies as legal tenders, the one paper and the other metal, that the paper currency will infallibly drive the metallic out of circulation. In the various views taken of depreciation, gentlemen confined themselves too much to domestic effects—depreciation was not to be looked to by mere reference to home—it could only be rightly

judged of by looking at home and abroad, and comparing the foreign rates with our own. Thus it was insisted, that paper did as well for all domestic purposes as coin; but why? Because the tax-gatherer, and every public officer, was compelled to receive bank notes in payment—it was not public confidence that gave bank notes this sort of compulsory credit; it was the sanction of a law compelling by penalty. So true was this, that wherever an opportunity seemed to offer itself for evading that law, it was industriously sought after. He had heard, for instance, that foreigners in this country, to whom sums of money have been owing by persons in London, have gone so far as to take Counsel's opinion, to know, whether the Act extended to them, and whether they might not enforce payment in specie. He concluded by stating it as his opinion, that whenever there were two currencies of the same denomination, and of different intrinsic value, that the one of greater value must invariably disappear.

Mr. Davies Giddy, after regretting that no common principles were found, nor analogies admitted in this debate, went on to observe, that although every arrangement of facts, or deduction from them, was branded with the name of theory, by those who had recently departed from all anterior practice, he should yet assume that the value of every article was regulated by the supply and by the demand,—that currencies were governed by this law, whether they possessed intrinsic value or were merely ideal. The hon. gentleman then remarked, that for either currency, there would be no more than a limited demand, and that intrinsic currencies were also bounded in their supply, as gold by the labour, &c. required to extract it from the mines; but that ideal currencies were, in this respect, without restraint, and therefore might diminish in value from excess, to any extent. Much had been said about standards: the best is found to vary; gold in the course of ages has been ascertained to grow less precious; and if this could be corrected by the average of all commodities with certain other allowances, according to the idea of a noble lord (Lord Castlereagh), the standard would undoubtedly be improved; but having once departed from nature, we get entangled with the passions, prejudices, the interests and imperfect knowledge of mankind, so that a secular variation in the worth of that which measures every thing else, had far better be allowed than the danger should be incurred of

falling into errors of many fold the amount; it would be forsaking rods of steel because they are expanded by heat, and measuring distances by the breadths of clouds. The mere difference in value between gold and notes, does not prove that the latter are actually declined; gold may have advanced; the contrary however seems proved by the two facts, of exchange being against this country, and prices having increased.—These appearances always take place when currencies are depreciated, but cannot happen under other circumstances. The exchanges themselves are also much too wide of the par for mercantile effects, even aided by foreign military expeditions:—these might indeed render an exchange unfavourable to the extent of transmitting gold, but then all commodities must fall in consequence of coin becoming scarce and of greater value. The nominal exchange, on the contrary, occasioned by light coin or depreciated paper, has no tendency to correct itself, and continues so long as the cause remains, advancing the price of all commodities, including bullion, in the same degree. It is not, Sir, for the sake of favourable exchanges, it is not for the sake of seeing a metallic currency which has gone abroad, because its place is more than occupied by the other media, that I wish former principles and former practices to be resumed, but it is because I consider the first, joined with high prices, entirely indicative of depreciation, and it is because I consider a basis of metallic currency as the only sure preservation from excessive issue. In estimating the amount of our actual circulation, country bank notes must be considered as forming a very important part. They are acknowledged to be forced on the public by every possible contrivance, and give rise to the wildest as well as the most unprincipled speculations. We have heard much of the advantages arising from plenty of money, plenty of circulating media: but if my assumption, Sir, be right, the whole circulation of a country under existing circumstances must be of a given value, the demand being constant, and the enlarged supply reducing the value of each part in the same degree;—and for this reason, circulation can never properly be said either to be in defect or in excess, as an agio, or a depreciation, restores the equilibrium. In what then consist the advantages of banks and of paper currency? Not merely or principally, according to the statement of Doctor Adam Smith, in enabling countries to export their

coin, but by the power they possess of rendering capital more efficacious, and of transferring it from the hands of mere accumulators, into those of persons engaged in active employments: and from this source flows the apparent prosperity during a progress of depreciation. The individual accommodated with loans, receives them at their actual value, and replaces them at a less;—his capital, destined to the employment of productive labour, more rapidly increases, at the expence of annuitants and receivers of interest. The occupier of land in the same way finds his rent diminishing; he cultivates with augmented power, at his landlord's cost. Capital is thus transferred to other hands: its real amount can no more be increased by any change in the denomination of the common measure, than would the surface of a country be enlarged by diminishing the acre. *It* is utterly impossible that the real strength of a nation, or its power of maintaining foreign war, can depend on so trifling a part of its wealth as a currency even wholly metallic. Gloomy, indeed, would be our prospects, if the importation of corn, if the war abroad, had absolutely required the exportation of our gold; since that is now gone, and of course can help us no more. No, Sir; the strength of this country reposes on its agriculture, its manufactures, its machinery, its mines, and its commerce; but above all on the cultivated understandings, joined to the industrious habits of its people; these support the bravery of our fleets and of our armies abroad, and recent times have more than ever demonstrated that intellect will preponderate against numbers and physical force. If depreciation has commenced at all, the causes producing it must continue the career till, sooner or later, all property dependant on compact will be destroyed. We are driven therefore to a remedy, and this remedy can be no other than a gradual return to our former state. I say gradual; for a rapid advance in the value of the circulating media, could not fail of producing evils to the active employer of capital, precisely opposite to the advantages already described. The remedy, however, must be applied while the difficulties can be overcome.—The honourable gentleman concluded a speech of two hours with complimenting the Bank Directors,—repelling any charge of blame from the Committee of last year, and by declaring that whatever might be the fate of these Resolutions, he entertained no doubt of the free discussion, in and out of doors, ultimately guiding the enlightened people of

their heads against posts, and enduring many hard blows, they might find the proper path at last. If they could show that the principles stated with respect to currency were erroneous, that was another thing; but they admitted the principles, and then said that they ought to adhere to no principle at all. He thought that injustice had been done to the Country Banks, in saying that their paper had been the cause of depreciation, since they were subject to a check, from which the Bank of England was free. But at any rate it had been admitted that their paper increased only owing to the increase of that of the Bank of England. It was, therefore, rather hard to blame the Country Banks. It put him in mind of a story in Gil Blas, where some thieves in a wood were recounting the circumstances that made them adopt that way of life. One of them said, that when a boy he had been brought up with the Prince of Asturias, who was of the same age, and that when the Prince of Asturias had done any thing amiss, he (the thief) was whipped. When the guinea was at 25s. he was perfectly astonished that the fact of depreciation should be denied. He himself had been offered wine at two prices, according as he paid in cash or paper. The matter then stood thus:—On the one side it was said that the paper was depreciated, and this they proved from the state of the exchange. But on the other side it was contended that the rate of the exchange was no proof—that its fall was owing to the state of our trade, and that when our commerce was restored to its former condition, the exchange would recover. This might be, for there was little chance of its being soon so restored. —He agreed with the eloquent and able Mover, in the principles detailed in his speech; but he was far from being satisfied on the subject of the remedy. He feared that the system must be permitted to take its course.—The inscription on the gate of Dante's Hell might be applied to it—"You who enter here, leave behind all hope of returning." He saw no reason to believe that the Bank would ever be able to recover itself. Reverting to the state of the exchange, he mentioned an instance in point from Dr. Adam Smith, a theorist—not a practical man, and therefore his authority might be of great consequence with those who paid no regard to principles. This instance has been stated in the Bullion Report, and refers to the Land Bank of Scotland, instituted upon Mr. Law's principle. Many millions of landed property were pledged for its security.

When pressed with a hard run, its notes contained an optional clause, to pay immediately, or at the end of six months, with legal interest. Yet while the exchange between London and Carlisle was at par, that between London and Dumfries, the latter not more than 30 miles from Carlisle, the exchange was four per cent. against Dumfries, where the notes in question circulated. This was a complete proof of the effect of a depreciated currency on the exchange. The honourable Baronet then adverted to the price of bread as a proof of the depreciation of the currency. The average price of the quartern loaf for forty years previous to the restriction was 7½*d.*; the average price for the subsequent fourteen years, was 1*s.* 0½*d.* With regard to the remedy, he contended, that on the recovery of the currency, it was hardly possible to conceive that the country should be able to pay the pensions and salaries, besides the army and navy expenditure, together with the interest of the debt, created with a view to the state of depreciation, in sound coin. Considering the rate at which we were proceeding, the interest of the debt would probably, at no very distant period, amount to fifty or sixty millions. How could the people pay this in sound currency? But then it might be said, "What remedy have you?" That was a hard question. He could not save a dying man. But he must blame those who produced the disease, and carried on the delusion, which began with the funding system, and would ultimately prove its destruction. He thought, however, something should be done for the security of funded property, which would be ruined. The country had derived no benefit from this measure of restriction. The Bank had derived great profits from it. It had forfeited its commercial character by becoming a tool of the Minister of the day; and, as in the South Sea scheme, he thought the estates of the Directors ought to be made liable for the losses sustained by the public creditor in consequence of the restriction. That being his opinion, he would not shrink from declaring it.

Mr. Wilberforce said there was, in his opinion, but one way of getting quit of the increasing evil at present felt by the country. The consequence of proceeding in our present course must inevitably be ruinous to the country; and the first opportunity should be taken of reverting to a better state of things. It appeared to him, that the Members of the Committee in general, and the learned gentleman

who opened the discussion, had been placed in a very hard situation. They were bound to declare their opinion as to the true line of policy which they conceived proper to be adopted by the House; yet all who have opposed them have considered them in the light of persons who had come voluntarily forward, and proposed measures of the utmost danger to the country if agreed to. They were bound to discharge their duty in the manner in which they did; they were bound to point out what they conceived to be the causes of the low rate of exchange. But, whatever may be thought of the labours of the Committee, it is not their opinions to which we have to look;—we have only to look to the present state of our circulation. All of them knew how likely that circulation was to be affected by the conduct of the Directors of the Bank; all of them knew the conduct of those Directors; the Committee stated what that conduct ought to have been; and it was now the duty of the House seriously to determine, whether the opinion of the Bank or of the Committee should receive their sanction and approbation. When the Bank Directors have told, clearly and explicitly, what their principles are, and when these principles have been adopted by the right honourable gentleman (Mr. Vansittart), the Directors might say, and with great justice, that in refusing the recommendation of the Committee, this House had bestowed on those opinions a tacit approbation. For the Directors he entertained the highest respect; and he believed that they had discharged their duty with every respect for the public interest; but their eyes were not opened to the magnitude of the duties they were called on to discharge, and to the effect of the measures they were pursuing. Their principles they have told us. They have told us that they conceived there could be no excess of issues, if they were afforded to responsible persons, and for a period of two months. They have told us that they did not conceive that a difference of interest of four or five, or three per cent. made any material alteration of the question, that at three per cent. interest they might increase the circulating medium to any extent. So little did they seem to have been aware of the danger. The honourable gentleman then proceeded to illustrate what his own opinions on this subject were, which he professed to have been derived from a publication of an honourable friend of his (we believe Mr. Thornton). He said the Bank Directors, without the restriction, would infallibly take the

best course without being aware of it, like the honest citizen in Moliere, who had been speaking prose all his life without knowing it. If they were freed from the principle of providing for their own security, they may issue any quantity of paper, and the gold would leave the country. The country banks, who had been so roughly treated by those who opposed the Committee, hinged entirely on the Bank of England. Perhaps, he said, the Committee had not allowed enough for the unprecedented difficulties in the present situation of the country: these difficulties had much increased since their Report had been framed.—Why did the right honourable gentleman opposite (Mr. Rose) insist so much on the errors of the Committee, in stating the course of exchange of former times? When he stated that the course of exchange had been formerly against us, he should have stated the difference in the extreme degree—formerly not equal to the expense of transportation, and now above twenty per cent. The same arguments which were now brought forward, might afterwards be brought forward when the country was on the brink of ruin. According to the test of the gentlemen on the opposite side, we should then appear to be in the greatest prosperity, somewhat in the same manner as a person who drops down of an apoplexy, frequently appears, shortly before in the most luxurious health. Our finances and commerce never appeared so prosperous as during the South-Sea bubble. He then adverted to the argument of the right honourable gentleman (Mr. Rose) founded on the diminution of the circulating medium since the restriction from forty-six millions to twenty-four. He observed, that a new mode of transacting business in the metropolis, rendered less of that circulating medium necessary. Nobody, he said, would bring gold into this country; for to whom were they to bring it? Not to the Bank, for they would not buy it: they had then only to export it again. He lamented that so much had been said about perjury in exporting coin, and thought it would be much better to allow gold to follow the laws of all other commodities. The House of Commons, he said, were the Mint, in which were coined the political opinions which pass current throughout the country, and it became them, therefore, to set this question at rest. Whenever the Bank Directors knew the opinion of Parliament to be against their system, they would carry the principles of Parliament silently, but efficiently, into execution.

Mr. Rose explained. He said the Act of 1797 did away two millions of oaths, and he had formerly not charged the Committee with encouraging fraud and perjury, but said that their remedy involved fraud and perjury.

Mr. Samuel Thornton disclaimed the idea that the Bank issued paper to an unlimited amount: every one of the twenty-four gentlemen at its head had a vote whether each sum was or was not too high. The discounting of bills was not the only means of issuing their paper, much being issued on government securities. The Bank of England at their beginning vested their capital in government securities. Why should not Country Bankers vest a part of their capital in the same way? After adverting to the 16 Resolutions of Mr. Horner, he expressed his conviction that there would be no limit to the distress and embarrassment that must follow the restoration of cash payments, under circumstances like the present, the necessary effect of which must be to compel the Bank to draw in their issues. As to what had been said of those states in which there was no paper currency, it should be recollected that this was because they had no credit to support. (*Hear! hear!*)

Mr. Whitbread declared, that after so many speeches of consummate ability had been delivered in proof and demonstration of the depreciated state of our currency, he should have felt that some apology was due from him to the House for rising on this occasion, and at so late an hour; but the honourable Director who had just spoken, had opened so new and so tremendous a scene, as to call in the most imperious manner for some animadversion. After hearing him declare that the Bank must be ruined, that it could not go on if compelled to return to cash payments, and after comparing this declaration with the opinion of another Bank Director, who last night argued that our currency was the destructive effort of our destructive system of finance, and after seeing that both differed in their views with the right honourable the Chancellor of the Exchequer, it became the House of Commons, indeed, to pause and deliberate well on a question so big with the fate of the country. And here he must say, that he coincided fully with the reasonings contained in the speech of a right honourable gentleman opposite to him, certainly the best speech which he had ever heard him make in that House. What a contrast did not the sentiments of Ministers and the Bank Directors furnish to the avowed principles of Mr. Pitt in

originating the Bank restriction! Mr. Pitt denied that any evil could arise from the measure, except after a certain period of duration. That period has been fulfilled, and the predicted evil has arrived. Now, however, it is defended as essential to the maintenance of our commerce and manufactures, and, above all, to the prosecution of the war. There could now remain no doubt that the Bank Directors, that Ministers, and that the noble and provident Statesman who had so indulged his fancy last night in rioting on the luxuriant blessings of paper currency, now contemplated the restriction as a permanent measure. If Buonaparté were the governor of the Bank, he could not, in that noble Lord's opinion, adopt a more injurious measure to this country than the resumption of cash payments. He had been a little surprised at not seeing a right honourable proselyte and privy counsellor join in this eulogy on depreciated paper. But if this currency was so propitious to industry and manufactures, from what cause was it that they had a petition lying on he table from thirty thousand persons in a condition of the most extreme distress, and urging their wants and their sorrows in the ears of the right honourable the Chancellor of the Exchequer? That right honourable gentleman had, in a triumphant tone, in reply to an hon. friend of his, exclaimed, "O happy Hamburgh, O happy Holland, to have been able to have preserved your exchanges!"—This was language not more unjust to his honourable friend than insulting to those fallen States—fallen and prostrate from those fatal wars, to the prolongation of which, he believed, our paper system might have been but too conducive. The only cause of any apparent equivalence being preserved between paper and coin was, unquestionably, the penalties of the law; and he did think that it would well become men who were true believers, and who prayed to the Divine Being not to lead them into temptation, to abstain from tempting others to perjury and fraud. The opinions which the House was now called on to adopt, were sanctioned by the joint authority of Mr. Pitt and Mr. Fox; and now that their voices were no longer heard among men, the disciples of those great political opponents were seen to unite upon this question. The honourable gentleman then proceeded in the most animated strain of eloquence, to draw a picture of the present state of this country, and of its future prospects. We regret much

that our limits absolutely prevent us from giving even a remote sketch of it.

Mr. Marryatt argued at considerable length for the Resolutions moved by Mr. Horner.

Mr. Horner began by remarking the various attacks which had been made on the Report of the Bullion Committee, both for having reported contrary to evidence, and for not having paid a sufficient deference to the opinion of practical men. He should have considered the Committee, however, as having abandoned its duty, had it acted on any other evidence than such as it deemed conclusive, or had it neglected to form opinions for itself. He did not think the Committee had been very courteously treated by the right honourable gentleman (Mr. Rose), and he felt it necessary to reply to some of his observations on several parts of the Report. Mr. Horner then proceeded to vindicate the Committee for having quoted the opinions of Mr. Godfrey and Dr. Drake, the characters of both of whom had been entirely mistaken, he contended, by Mr. Rose. Mr. Horner next proceeded to comment upon that part of the speech of the right honourable the Chancellor of the Exchequer which referred to the fact of an extraordinary issue of the Exchequer-bills for the purpose of preventing depreciation. He wished to know if the right honourable gentleman meant that Exchequer-bills should be understood as a part of the circulating medium; if not, that case could not apply, and if he did, it was the first time that he (Mr. H.) was to learn that Exchequer-bills were any thing else than a mode of raising capital. Upon the subjects of standard and depreciation, he should say nothing, for nothing had been left to him to say; they were both as well and as clearly established as any topics could be in an adverse discussion in a popular assembly; but this, he would say, that the arguments of the noble Lord (Castlereagh), and the right honourable gentleman (Mr. Perceval), admitted indirectly the fact of depreciation. Their argument, that so sudden a return as that of two years to payment in specie, would be productive of incalculable mischief, this argument, he contended, did involve in itself a distinct admission of depreciation; for if the currency had not depreciated, where would be the danger in returning? (*Hear, hear!*) Some gentlemen agreed with him in all his Resolutions but the last. He would ask those gentlemen, who thus admitted the evil, what other remedy could be recommended for

adoption? Was the choice of this remedy to be left to the Bank of England, or would a declaration of the real state of our currency on the part of that House, without assigning or suggesting any remedy, would not such a declaration have the natural effect of accelerating the depreciation? (*Hear, hear!*) There was, in his mind, no practical remedy but the resumption of cash payments. He did not mean the *immediate* resumption of cash payments, as had been most unfairly presumed, and then most fallaciously argued upon. But the right honourable gentleman had deplored the scarcity of gold, his expression was rather odd; gold, he said, was impossible to be got—impossible to be got! This from the Minister of the first commercial country in the world! He was almost tempted to ask if the right honourable gentleman could seriously admit the evil of which he (Mr. H.) complained, to be of an extent so serious? He was almost tempted to ask if the mines of America were yet exhausted? The gold leaves this country. Why? Because the currency had lost its value here; restore that value, by the diminution of its issues, and the evil is remedied at once. In the various instances cited by the other side, from the earlier periods of our history, it was extraordinary that at most of those periods to which those instances refer, the plenty, and not the scarcity of gold was the subject of complaint. In 1697, the Chancellor of the Exchequer of that day had declared the kingdom to be undone by plenty of gold. An honourable friend of his (Mr. Manning) had cited Sir Edward Coke, where he assigns seven different causes for the then depreciation. Sir E. Coke was rather a delicate authority to cite upon such a subject, as that great lawyer had declared, in his second Institute, that gold coin in its unimpaired purity of weight and fineness was "*inter regalia et magna coronæ jura*;" but in that very Report (too long now to refer to) was to be found abundant matter in support of his views of the question. He next referred to an opinion of a right honourable gentleman (Mr. Rose), as to the authority of Lord Bacon on the subject of depreciation. He had said, that Lord Bacon had not touched upon that part of the question. He here read a passage to the House, stating Lord Bacon's opinion thereupon. But not to detain the Committee, he stated that he could see no one objection to the experiment, at least; because if the Bank, after they had endeavoured, and did, in fact, restrict their issues, if they could then come down to the House and say we have re-

stricted our issues and yet the market price has not fallen to the mint price, then, indeed, he admitted that the Bank would have a better reason to question the good effects of their contracting their issues than any of their advocates had yet assigned. As to certain arguments of the noble Lord (Castlereagh) upon the fruitful topic of a paper currency, he could only say that were he (Mr. Horner) possessed of that noble Lord's singular power of reasoning—could he adorn that reasoning with all the florid beauties of the noble Lord's as singular eloquence, that still, he should despair of convincing the Committee that a depreciated forced paper currency could be converted into the strongest sinews of war, and was, in itself, the best and happiest means of prosecuting a prolonged system of warfare to a prosperous issue. (*Hear, hear* !). [After a variety of other observations, Mr. Horner concluded nearly as follows.] *If* there has been a departure from the old and constitutional mode of circulating the legal and substantial currency of the country, the charge of novelty is not imputable to that proposition that would go to restore it. A general rule in the great system of circulating medium has been avowedly violated. I admit that that Minister is wise and happy, who knows when and how to deviate from a general rule; but I contend for it, that there is still more wisdom and more felicity in knowing when and under what circumstances that general rule ought to be adhered to (*Hear* !); but that above all, the cool trial of wisdom—the true test of fortune is to know, when to return after the success of an apparently justifiable deviation (*Hear, hear* !); it is indeed difficult to resist the temptation of temporary expediencies. I shall now conclude, Sir, by reading to the Committee a passage I met with this morning, preserved by the celebrated Sir Robert Cotton, and cited by him as an extract from a memorial of one of the greatest Statesmen this country has produced, a remonstrance to Queen Elizabeth from her ablest Minister, Lord Burleigh, when at a time that Spain was aiming at universal monarchy (how strange the vicissitudes of empires !) that monarch entertained the notion of making some experiment upon the national currency; the language is simple, but, in my mind, pregnant with wisdom—"It is not by the ends of wit, or by the shifts of devices, that you can defray the expences of a monarchy—but by sound and solid courses."—(*Hear, hear* !)

Mr. Perceval, Lord Castlereagh, Mr. Rose, and Mr. Horner mutually explained, when at four o'clock the Committee divided on the first of Mr. Horner's Resolutions.

Ayes	75
Noes	151
Majority . . .	76

The 14 next Resolutions were then put and negatived without a division; and, on the 16th, or last Resolution, the Committee again divided—

Ayes	45
Noes	180
Majority . . .	135

Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 10.

INSOLVENT DEBTORS.

The order of the day was read for going into the Committee on this Bill.

Lord Ellenborough rose, and said, he felt it his duty to express in the strongest manner his opposition to the Bill and its principle. He particularly objected to the clause, by which a debtor, after submitting to six months' imprisonment, was absolved from all the claims of his creditors. He considered the Bill as having a vicious tendency.—After the most ample consideration he could give to it, with all the advantages of observation upon the subject which the situation he held afforded him, he must object to going into the Committee.

The Earl of Moira spoke in support of going into the Committee. The object of the Bill was not to favour the debtor at the expense of the creditor, as the learned Lord seemed to suppose. On the contrary, its object was fairness and justice to both creditor and debtor. The just interests of the creditor had never been laid out of the consideration of those who supported this measure. As the law now stood, in respect of persons in whose behalf this Bill

was framed, it was really a mass of absurdity, of injustice, and of oppression. For upwards of twenty years he had cheerfully devoted his time and labour to this important subject; and during that time, at different periods, the House had recognized the principle and object of the Bill. For the truth of his statements, he appealed to the noble Lord on the Woolsack; and he desired to know, why the facts clearly proved to the House had not been contested at the time. He was as willing as any noble and learned Lord to check frauds, and prevent impositions upon fair creditors. The practice of debtors, possessed of considerable property, submitting to imprisonment, and bidding defiance to their creditors and to justice, was one among the many gross errors and evils of the present crude and unequal system of the laws on this subject. He concluded by repeating energetically, that they were solemnly pledged to remove the difficulties, and to do away the absurdities and injustice that at present characterised that system, and which had been so long a subject of complaint, and a matter of disgrace to our legal practice.

The Lord Chancellor said, that though he had paid a long and attentive consideration to the present measure, aided by many opportunities which he had possessed of observing the practice under the law as it stood, and though he felt disposed, if he could, to forward the humane objects of the noble Earl, yet he was convinced, that in every point of view, legal or commercial, the enactment of it would be a step of great impolicy. Still, as the Bill had been read a first and a second time, he trusted his noble and learned friend (Lord Ellenborough) would wave his present opposition in this stage, and suffer the Bill to go into the Committee, for which purpose other noble Lords had attended that day.

Lord Ellenborough was convinced of the purity and justice of the noble Earl's disposition, which had led him so often to bring this matter before the House. He meant no sort of incivility to that noble Earl, for whom he had so much respect, and, he might say, friendship: but he must again say, that all his experience and observation convinced him of the impropriety of passing such a Bill. The clause by which six months' imprisonment might free the debtor from his obligations, was particularly obnoxious.—He, therefore, using a common phrase, would only say, that he had nothing farther to add, but that he now wished

to wash his hands of the business. His own time and attention would, perhaps, be better directed to the discharge of his various duties in another place. As for the Report of the Committee on the Journals, he knew very little of it; and he believed that to be the case with many other noble Lords. He concluded, by observing, that with respect to the tendency of that document, his noble friend might have the consolation offered to a person, who expressed in his latter days some apprehension lest his writings should do injury to posterity, when the friend of that person bid him be easy on that subject, for nobody had ever read them.

The House then went into the Committee.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 10.

COMMITTEE OF WAYS AND MEANS.

The Chancellor of the Exchequer rose, in consequence of what he had last night intimated to the House with respect to his intentions as to the Distillery Bill. His object now was, to impose a duty of fourpence-halfpenny per gallon on all Corn Wash from which Spirits could be made, from which additional duty he hoped to derive 400,000*l*. He also stated his intention of imposing an additional duty on all foreign spirits, except Rum. He then moved, that, towards raising the Supply, an additional duty of four-pence halfpenny per gallon should be imposed on all Corn Wash, from which Spirits could be made; which, with several other Resolutions, was agreed to, after a few words from Mr. Foster, Mr. Western, Sir J. Newport, and Mr. Barham.—Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 13.

BERKELEY PEERAGE.

In the Committee of Privileges on the Berkeley Peerage, the Lord Chancellor strongly expressed his disapprobation of the publication of their Lordships' Minutes of the evidence taken in this case, and stated, that if it was repeated

it must be noticed in another manner. The Judges delivered their opinions *seriatim*, in answer to the question put to them; and after some conversation in the Committee, it was resolved, that the deposition in Chancery of the Earl of Berkeley ought not to be received in evidence. It was then agreed, that Sir Samuel Romilly should sum up on behalf of the Claimant on Wednesday, and the Solicitor-General open the case on the part of the youngest son.

The answer of the Judges was also received to the question in the case of the Banbury Peerage.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 13.

EAST-INDIA COMPANY.

Mr. Dundas moved the order of the day for the House going into a Committee on a Petition of the East-India Company.

Lord Folkestone said, that before the order of the day was read, he could not help observing upon the unseasonable hurry which had been betrayed to get over a question which called for so much inquiry. The Petition had not been presented before Friday last, and it was impossible that between that and this it could have been in the hands of the Members, so as to possess them of all the necessary information. He thought too, that even were gentlemen fully acquainted with the object and statements of that Petition, it was not right to call upon them to decide upon its merits before they had been furnished with the Report of the Committee sitting above stairs upon the affairs of the East-India Company.

Mr. Dundas stated, that the Petition from the East-India Company had been presented on Friday last, and that the usual course had been, when in former sessions Petitions of a similar nature had been presented, to take the Petition into consideration on the following day. In the present case, however, there was yet a longer interval. With respect to the Committee up stairs, he could not see why it was necessary to wait for their Report, in order to decide on the merits of a Petition, respecting which every necessary information was to be found in the Reports already before the House.

Mr. Creevey denied that the House was furnished with full information to enable them to come to a proper decision upon the Petition. If the right honourable gentleman would not consent to postpone it, he should move that the Committee of the whole House upon said Petition be fixed for Friday next.

Mr. Dundas agreed to postpone the Committee till Wednesday, but could not consent to a later day.

After a few words from Messrs. Whitbread and Wallace, Ford Folkestone, and Mr. Creevey, it was agreed that the House should resolve itself into the Committee, to take into consideration the said Petition of the East-India Company on Wednesday next.

THE KING'S ILLNESS.

Mr. Whitbread rose to put a question to the right honourable the Chancellor of the Exchequer. He wished to know from that right honourable gentleman, if it was in his contemplation to submit to the House, before the termination of the present sessions, any measure for the purpose of providing against the recurrence of a suspension of the Royal functions, in consequence of the King's illness?

Mr. Perceval replied in the negative.

Mr. Whitbread then gave notice, that he should, on Thursday, the 30th of May, move, that the propriety of making such provisions be taken then into consideration by a Committee of the whole House.

DISTRIBUTION OF OUR MILITARY FORCE.

Mr. Hutchinson rose for the purpose of once more postponing his motion that stood for to-morrow, respecting the distribution of our Military Force. The House would do him the justice to recollect, that the postponements which had hitherto taken place were not imputable to him. The long debates on the Bullion Report, during last week, rendered it difficult, if not impossible, to procure for any other topic, however important, an adequate discussion; and the continuation of that discussion for perhaps the greater part of this week, together with the business fixed for each day, left him no open day till the 22d, when he should bring forward his motion.

BULLION REPORT.

Mr. Vansittart moved the order of the day for the House going into a Committee to consider farther of the Report of the Bullion Committee. The House having resolved itself into the Committee,—

Mr. Vansittart began by stating, that he had devoted every possible attention to the Amendments proposed upon his Resolutions, by the honourable and learned gentleman (Mr. Horner), and that he was now prepared to give to the Committee the result of his deliberations upon them. At the same time, before he should proceed to do this, there were one or two preliminary observations which he wished to offer. It had been imputed to him, that he had not given seasonable and timely notice of the Resolutions which he now intended to propose. He stated, that he was not in possession of the Copy of the Resolutions first proposed by the honourable and learned gentleman, before the 23d of April; and when it was considered what time the attention necessary to those calculations, and the preparing the Amendments, which he intended to have the honour of submitting, it would not be presumed, he thought, that he had been guilty of any improper delay. Mr. Vansittart further said, that he still adhered to the opinion, that the Report of the Bullion Committee had done much injury to public credit; and, as an instance, mentioned, that some time after the Report had been published, he received a letter from a foreigner of great commercial eminence, and strongly attached to this country, requesting his opinion of this Report, and stating, at the same time, that if it was correct, his idea of the resources of this country would be very much altered. This circumstance induced him to turn his attention more minutely to the Report; and he had written in answer, that he thought the Committee were mistaken. The more he considered the evidence, the more he was convinced of that fact. Adverting to the omissions of the Committee, he stated as one of the most extraordinary, that they had not examined into the practicability of the resumption of cash payments on the part of the Bank. They had made up their minds upon this point almost entirely on their own theory, though a Bank Director (Mr. Baring), and one of the Members of the Committee, affirmed, that it was utterly impracticable, and that the Bank could not at present get 10,000*l.* worth of bullion,

even at 50 per cent. premium. The honourable and learned mover had said, in his eloquent speech, that they might, at least, attempt to carry the remedy into execution; and if it was found not to answer, they might stop short, and no harm would be done. What! no harm done? How much did theory cloud the clearest understanding! Even the honourable gentleman's colleague on the Committee had said, that the consequences would be little short of a general bankruptcy. It had been said, that it would do no harm to record the opinion, that there was a depreciation. He maintained, that it would do a great deal of mischief to record an opinion of depreciation, without applying a remedy. With regard to the observations made on the stoppage of the Bank of France, he denied that the Bank in question made greater sacrifices than the Bank of England, which purchased bullion at a loss of three or four per cent. and would have continued to do so had it been of any use. It would have been quite absurd to have continued it, however, for the coin would be melted down and sold to them again. It had been acknowledged, that the reduction of discounts by the Bank of France had produced failures—and such must have been the effect here, if the recommendation of the Committee had been adopted.—The Chancellor of the Exchequer, he thought, had made too great a concession, when he had admitted that the resumption of cash payments might render the exchange more favourable. He doubted this much. A reduction of prices consequent on that operation might promote exports under other circumstances, and thus render the exchange more favourable. But at present the tyranny to which the Continent was subject, would prevent exports; and even with regard to the exchange, the measure would be nugatory. He had read in Johnson's Rasselas, of a man who thought the management of the winds and seas was committed to him by the Almighty. *(Hear, hear! from Mr. Horner, and others.)* But the Bank would, upon their plan, be in a much worse situation, for this man could injure none but himself, but they would be made the instruments of extensive ruin. Adverting to the Amendments of the learned mover, upon his Resolutions, he still maintained, that what he had stated was correct. The exchange had almost always been depressed in time of war, and large foreign expenditure. In 1710 it was 11½ against us; in 1711 it was 13 against us;

and in 1714, about the time of the peace of Utrecht, 9½; and all this while the expence of sending money to Flanders was only 1 or 2 per cent. He next took a view of the proceedings with respect to the coin in the time of King William, and contended that notwithstanding the re-coinage, the exchange had continued in a very depressed state till the peace of Ryswick. In 1696, it was at 22*l.* 1*s.* 10*d.* against us, and in September 1697, after the peace, it was only 18 against us. The favourable alteration of the exchange was owing then to the peace, and not to the re-coinage, which, he agreed with Lord Liverpool, should have been delayed till the conclusion of hostilities, as the coin was carried out of the country, and a great expence was incurred to no purpose. These instances proved how much the exchange might be depressed by wars and other circumstances, below the expence of transporting the metals. Confining the view to the effect of commerce alone, he admitted that while the intercourse was perfectly free, the exchange would be balanced by the expence of transporting the metals.—After again stating that the increase or decrease of the amount of bank-notes had nothing to do with the exchange, he proceeded to comment on his own Resolutions, and observed, that the gentlemen who supported the Report appeared to consider the standard of our currency as some tangible thing (*Hear, hear! from Mr. Horner and others*); but he maintained, that in their sense of the term, there never had been a standard in this or any other country. When the coin circulated beneath a given weight and fineness, their standard was lost; and as to the position, that gold was the measure of value, he observed, that from 1783 to 1797, the whole debt of England might be paid in sixpences; and even now all payments below £5*l.* perhaps 40,000 for 1, might be made in silver coin.—With regard to the great names alluded to, he stated that Sir Isaac Newton had proposed an alteration in the standard and designation of the coin. He still contended that bank notes were, in public estimation, equivalent to the coin—distinguishing between depreciation from excess, and that from discredit, the object of one of his Rssolutions was to negative the idea of depreciation from discredit. The honourable gentleman opposite (Huskisson) appeared to think that there was depreciation from discredit, for he said that bank notes were not in common acceptation equal to gold; and what was this but saying, that there was a depreciation from discredit?

Yet, in his pamphlet, he had said the contrary, and which was he to believe? With regard to excess, he maintained that it could have no effect on the exchange till there was a great increase of imports as compared to exports; and as to discredit, that could have no influence on the exchange till two prices generally prevailed. It had been admitted, that a depression of the exchange, to be a proof of a depreciated currency, must be universal. Yet, for the last twelve years, the exchange with India had been in our favour. If our paper was depreciated, the people of India were simple enough to take it for their solid bullion. In the year 1797, a meeting of our principal merchants and monied men had been held, for the sake of supporting the credit of paper currency, and to declare their confidence that the paper of the Bank of England was equivalent to coin. This was his object on the present occasion. He knew no measure so likely to effect it, as a similar declaration from the same description of persons at the present moment. He had no doubt that the merchants and capitalists of London were as willing to adopt such a measure now as they were in 1797; but, whatever might be their opinion or intention, he was satisfied that it was becoming in the House to declare such an opinion, as the most authoritative testimony on the subject that could be given. Having gone through the amendments of his honourable friend, he should pass on to the last Resolution. On it many statements had been made. The object of it was to put it out of the power of the enemy to operate on the circulation of the Bank. With respect to the resumption of cash payments at any certain time, he thought it would be imprudent to come to any resolution of the kind. If it was a matter merely commercial, he would allow it to remain as the exchanges had found it, convinced that it would find its level in time. But here we were called on to find the means of carrying on a wasteful and destructive war, while the balance of exchange and also of foreign trade were against us. This was a problem now for the first time to be solved, and it would require all the wisdom, all the vigour of any government to do so properly. To recall our armies at such a period as the present, was not to be thought of; on the contrary, he agreed with the Chancellor of the Exchequer in thinking that we were now paying the price of our own glory and of the deliverance of Europe. So far from being a moment for relaxing in our endeavours, the present was a period in which every man was more peculiarly called on for an in-

crease of exertion. The proposition which he now submitted, would, in his mind, go further to disconcert the enemy than almost any other that could be adopted. Another way he presumed to suggest for effectually doing this, would be a reconciliation with America, without, however, surrendering any of our just rights, such as we enjoyed by the ancient established laws of Europe. It was natural for this country to look for bullion from Mexico and the other countries from whence she had been accustomed to be supplied. If it could not be had at present, still the period for expecting it could not be far off, and ought not to be neglected. These propositions, which he now begged leave to submit to the House, he wished to remind them, were not the work of a party man. He belonged to no party. He had been treated with kindness by all, and had received favours from none.

Mr. Perceval here moved, that the Chairman do report progress, and asked leave to sit again.

The House accordingly resumed, when a message was brought from the Lords, stating that their Lordships had passed a Bill for the better preventing vexatious arrests, by raising the sum for which persons may be held to bail in mesne process.

The House then immediately went again into the said Committee.

Mr. Magens declared that there never was a Committee appointed by that House by which more had been done to elicit the truth, than by the Bullion Committee. Their Report, however, was said by some gentlemen to have done mischief; and it had been alleged, that, had it not been for that Report, France would have rescinded her Berlin and Milan Decrees. His own merchants, however, had then told Buonaparté, that if these decrees were not rescinded, they would cause the ruin of France. In this they had been found to be correct, and the trade of France was now reduced to a state almost of total annihilation. If so, he was willing to hope that, by comparing the last year with the present, the situation of this country would be found to be very different indeed. Many clerks, no doubt, who had received credit in consequence of the excessive issue of paper, and who had embarked thousands of pounds in the wildest of all speculations, had got their names into the *Gazette*; but had the real, fair, and substantial merchant been reduced to this situation? No. And, of course, instead of our

mercantile situation being worse, we were now in a more wholesome state, after having got quit of this excess of paper, with which the market was incumbered; and we had now people of capital ready to embark in trade, whenever a fair prospect of doing so with advantage presented itself. He asked then, was not our situation mended, and that of France more fallen than it had yet been? All writers agreed that the standard must be either in gold or silver: it could not be in both. Till the year 1717, silver had been the standard in this country; then, indeed, but more particularly in the year 1774, the preference was given to gold. The main question here was, if paper was depreciated? He should not go over the arguments on this subject, agreeing, as he did, with the Chairman of the Committee, and with the gentlemen who had followed him, in supporting that side of the question; but he begged to say a few words by way of illustration. He had never before heard of an inconvertible paper currency. Such an idea had always been treated as a vision, a scheme, a chimera. It might be carried on for a while, but could never be regarded as a standard. Our paper might be depreciated in four different ways—1st, In sending of supplies, pay, &c. to our armies abroad. 2nd, In our imports. 3d. In our exports; and 4thly, as to our situation at home. Under the first of these heads, we had to send abroad last year, 25 millions, and in consequence of the depreciation of our paper, had to pay 120*l.* for every 100*l.* Our imports were 50 millions, and the persons who sent them here calculated on receiving in return, not what we called the value, but what they found on the Continent to be the intrinsic value of the imports, so that here again we had to pay 120*l.* for every 100*l.* that being the rate at which our paper was estimated on the Continent.—Again, as to our exports, for what was worth one thousand pounds of our money, those to whom we sent them, would only give 800*l.* if to be paid for in gold. Bank notes, therefore, were depreciated in all these respects. He could not resolve in his mind any other intrinsic value, but the value merchants put on any commodity. If the standard was found, no matter what it was; but, till found, every thing must be in confusion. If the Committee chose to confess that the paper currency was depreciated 20 per cent. and then to say, let it stand as it is, he had no objection. But the standard must be ascertained. Paper had a tendency to

increase, and would go on increasing, if not checked. It had been said, that there would be a hardship in calling on people to make payments in gold now, when it was at an increased price. This was an evil, however, which would go on increasing every year, and therefore should be remedied at once. He contended that paper was depreciated, when compared with gold, even in respect to articles to be purchased in this country, and that if he was to go to purchase an article of gold in a jeweller's shop, he would get it for a smaller proportion of gold in coin, than if he were to tender paper in payment of it. He should move as an amendment on the 16th Resolution, that it was highly expedient that the Bank of England should resume payment in specie the moment it could be done consistently with the public safety: The evil could only be remedied by a firm determination to reduce the paper currency within its proper bounds, and by preparing for a gradual resumption of payments in cash.

Mr. Pattison argued at some length, that the alterations of the exchange were not necessarily or immediately caused by the increase in the issues of bank paper.

Mr. H. Thornton recapitulated, in a speech of considerable ability, many of the arguments adduced in his former speech, in support of the principle, that an excess of paper currency must operate unfavourably on the foreign exchanges. He observed, that there had only been three cases produced of any extraordinary run upon the Bank, and each of these instances had been immediately followed by a rise of the exchange, which could only be attributed to the limitation of their issues. In 1795 and 6 there was a great demand for discounts, and the Bank came to a resolution to restrict their amount weekly, evidently from an apprehension that they might then be led into excess. In the years of 1801 and 2, the large importations which then took place did not depress the exchange more than 8 or 9 per cent. The honourable gentleman, after a great variety of observations on the effect of a depreciated currency, and general rise in the prices of commodities, upon the course of foreign exchange, entered into a full refutation of the belief of many practical men, and particularly of the Bank Directors, that enlarged issues of paper, by multiplying commodities, tended to an ultimate fall in their prices. The question lay between the Bullion Committee and the Bank; their doctrines were directly opposed to each other, and those of

both could not be right. He called upon the Minister of the country, therefore, to know, before he sanctioned the opinions of the latter, and promulgated them to the world as the fundamental principle of our system. The Minister was acting under a most fearful responsibility, and he could himself perceive no safe course to be adopted, but in the creation of some limitation upon the issues of the Bank. It had been urged that great distress had been produced by the limitation of the issues of the Paris Bank: but it should be borne in mind, that the reduction was from 90 to 56 millions of livres in so short a period as three months.

Mr. Canning said, that after the lucid speech which they had just heard, he would not have ventured to address the House, were he not desirous to bring the debate back to the individual question before them, instead of entering at large on what had already been pronounced on. The question now before them was, in his opinion, different from that which influenced them on a former night. It would be very unfair to suppose that all who opposed the Resolutions moved by the learned gentleman (Mr. Horner) were prepared to go the length of declaring that there was no depreciation in our currency. While they might differ from the course proposed by the Bullion Committee, they might at the same time think the depreciation of our currency was so clear, as to stand in no need of a parliamentary declaration to give it credibility. Many might oppose the Resolutions from a dread of precipitating the return to cash payments. But would the House go a step further, and declare the contrary of these Resolutions? After having decided that the course proposed by the Bullion Committee is not to be adopted; that the Bank is not to be opened; and having none of the circumstances pressing upon us by which we were formerly deterred, it had been thought by the right honourable gentleman opposite, that in this situation of the country, it was becoming the wisdom of the House of Commons to declare, for the first time, principles which nothing in the practice of our Constitution could sanction (*Hear!*) The principles of the Bullion Committee, though not properly an innovation, were, in a limited sense, an innovation, because they proposed an alteration in the existing state of things; but these principles were now disposed of, and a new series of propositions were proposed, gratuitous and unheard, without even the plea of necessity to sanction them. He said he would attach

himself to the consideration of the principles without entering into details.—There were three of the seventeen propositions of the right honourable gentleman which contained principles—the 1st, the 3d, and the 15th. With regard to the 16th and 17th propositions, he would merely say a word, because the right honourable gentleman had accused him of inconsistency in adopting one person's premises, and another person's conclusions, as if these premises were less true because proposed by the honourable gentleman, and as if principles were true or false according to the mover of them. The eight propositions of the right honourable gentleman appeared to him to state exactly our monied system. That was the fixed basis, and he was not afraid, so long as the present course was acknowledged as a deviation; but then if the Resolutions did not acknowledge the deviation, it would not be considered as contrary to the premises, but in consequence of them. He would say further, that he could not now vote for the two last propositions, because the eight propositions, which served as a basis to them, were taken away—and if the basis was false, it threatened us with mischief. He considered indeed most of the propositions of the right honourable gentleman as of small importance whether adopted or not. They contained a good deal of information not applicable to the business of the day. They threw some light on the prices of corn; and if the prices of other commodities had been in like manner illustrated in them, they would have proved a valuable accession to a history of commerce. With respect to the first proposition, it was to be considered in two ways, 1st, Positively as to the law; and 2dly, Relatively as to the subject in dispute. Respecting the first, to say the least, it led to false inferences and deductions. In a popular sense, the right to alter was right and correct; but that could never be understood to apply to an alteration of the standard. This was neither the common understanding nor the language of law. What did our most popular law works say? Blackstone, while treating of the King's power, expressly states that it does not extend to debasing it below sterling value, and that foreign coins, when ordered by the Sovereign to pass current in this country, must agree with the standard of our own coin. Sir Matthew Hale, indeed, according to Blackstone, was of a different opinion, but from the passage alluded to in Blackstone, as it appears cited in Lord Liverpool's book, Sir Matthew Hale considered an opposite conduct neither

safe nor honourable. Would the House of Commons give a greater extension to the prerogative than a Crown Lawyer? The right honourable gentleman states, by proclamation and by advice of the estates of the realm. He did not mean to deny the force of proclamations; but in better times Parliament came in for a share of the power; and, in general, the measure originated in Parliament, while it was executed by the Crown. It became them to guard against an error in terms, which, while they contained truth, did not contain the whole truth, and, though true in theory, were not true in practice. But what was the present question? Depreciation. Would these Resolutions answer the public mind? The right honourable gentleman tells us the King may change the coin of the realm. Was that a satisfactory answer? Have the Bank issues occasioned a depreciation? It may be very well for the Bank to throw the responsibility on the Crown, but that was not the present question. With respect to foreign domesticated coin, the dollar, for instance, had suffered an alteration. What did the present Resolution say? The King has power to alter. What did Blackstone say? He couples this power with a reference to domestic and relative value. The complaint was, that while the dollar was equal to the crown as 9 to 10, the Bank had altered it to 11 : 10. The question here was depreciation; and the right honourable gentleman gave for answer, that the King had power to do all that he had never thought proper to do. What practical application was here? Considering that the Resolutions of the Bullion Committee were not on the Journals of the House, and that the Resolutions of the right honourable gentleman would appear to grow out of the Resolutions of the Bullion Committee, he thought them a gratuitous recognition of a prerogative which was never called in question, and at the same time containing what must be understood by every man as a banishment of Parliament from every share in concurring with or controlling the Crown. He came next to the third Resolution, the object of which was to settle the mind of the community.—There were four obvious ways in which that might be attempted to be done. 1st, By proclamation without consent of Parliament; 2d, by Act of Parliament; 3d, by the Resolutions of both Houses of Parliament; and 4th, by the Resolutions of one House of Parliament: but he believed that it was never before undertaken to be declared by one House of Parliament, not what was its own opinion, but what was

the opinion of the agitated community. This would be something like a judge, who, in pronouncing judgment, should declare that he did not pronounce his own opinion, but the opinion of the litigants. (*A laugh*) If ever there was a question on which great diversity of opinion prevailed, it was the present; and a man might be allowed to state his own particular opinion; but to say that any man, or any body of men, should state what was the settled opinion of the public, was singular enough. Such a decision brought to mind a passage in Milton:

———Where Chaos umpire sits,
And his decision more embroils.

This was like telling the public—Gentlemen, you are all in the right; little as you may think it, you are all of one opinion. (*A laugh.*) The proposition which was brought forward with more than ordinary gravity and solemnity, what was it but a mockery of the public? Here, however, there was one qualification; bank-notes were not equal to coin, but legal coin. It was true they were equal to the legal coin, because they and the standard were tied and bound together—the dead and the living body are joined together. The question was, whether this deviation from the standard was to be considered as a depreciation? He says bank-notes are equal in all purchases to which coin is legally applicable. Was the purchase of bullion not a legal transaction? And no man could say that without the support of the law the two would here be equivalent. What could be more absurd than such a declaration? What was the history of all squabbles and divisions which have unsettled mankind, but a series of creeds which the secular arm has been called in to support. The right honourable gentleman had said, that Parliament would pledge itself to adopt a certain opinion. This was something new in the history of believing. All the martyrs to opinions whom the world had yet seen had in every instance, he imagined, been impressed with a serious conviction of the truth of their principles, but no one ever pledged himself to believe the particular belief which he intended to believe. (*A laugh.*) The opinion of the public must either rest on law, or fact, or fancy, or imagination. As to the law, that had been discussed—and as to the fact, in Ireland guineas were sold without let or hindrance at a premium—and did he forget that Ireland was a part of the United Kingdom? He pledged the

people of Ireland to contradict what passes under their eyes. It would be worthy of the character of that House to go and tell them, in language which the warmest bigots of their creed never equalled in extravagance, that a guinea and bank paper were equal—to tell them, not that they should believe, but what is more, that they had believed it. The right honourable gentleman had asked him in a taunting manner, how he could fix standard in a lasting manner, when that standard was in its nature variable.—The influx of the metals no doubt affected the relative value; but that did not alter the quality. There was something similar in the history of the system of the world. Galileo thought he had discovered that the earth moved round the sun; but the holy brotherhood resolved that the sun moved round the earth, and the most dangerous consequences would result from the opinion of Galileo. He then adverted to the practice of the Attorney-General, who had thought proper to bring down the statute of Edward the Sixth from the shelf, where it had been peaceably lying with those against forestalling and regrating, and a number of others which the wisdom or folly or vacillation of later times had not thought proper to enforce. Queen Mary was an amiable enforcer of such statutes. He then adverted to the 15th Resolution, which, he said, turned on the meaning of an emphatic word, upon the meaning of the word internal, whether intrinsic or circulating was to be understood by it. Mr. Canning then concluded by stating, that if they were to do nothing, they should leave nothing to undo; though he, for his part, was not one of those who could yet believe that the fortunes of his country were so humbled, or her character so changed, as that she could not right, whatever wrong the passing hurry of events might have gathered around the greatness of her progress. (*Hear! hear!*) He could not see why, in this instance alone, she should be afraid to look her danger in the face, and calculate, in the cool prevention of undismayed wisdom, upon the certainty of resisting and suppressing it. (*Hear! hear!*) The remedy was before us; not, indeed, easily obvious to those who denied the existence of a standard, or who made it so fleeting as to imagine that it fled from us, and not we from it,—men who contended, even at the moment that the stream of their prejudices were hurrying them away, that it was not they who moved, but the object from which they were retreating. *Terræ, urbesque recedunt.* With such it was

in vain to argue; but to others, he would say, that the standard of our coin was as fixed as all the most solemn sanctions of society could make it, and as immutable as the institutions of society could make any human ordinance immutable. With respect to the grand *desideratum* of a remedy, he was aware of the difficulty and danger of that part of the question: but he thought one thing might be done which would not be liable to the other numerous objections to the adoption of a remedy in general, and which would interfere with no principle of public faith. He was aware that an idea had very generally gone abroad respecting the enormous gains of the Bank; and the latent concert amongst that corporation to promote, by the continuance of the restriction, the progressive increase of such enormous gains. This idea he believed to be a mistaken one. He neither thought their gains enormous, nor the Bank privy to the undue increase of them—considering, therefore, that the Bank would be bound, in the event of peace to-morrow, by their original stipulation, of resuming cash payments in six months after; his proposition was, that as their profits had incidentally increased, that all such as were beyond a certain and limited degree, should go to the establishment of a fund towards the resumption of cash payments. He concluded by moving, as an Amendment, that the Chairman do now leave the chair.

The Chancellor of the Exchequer spoke at great length in support of the Resolutions. He contended that the depreciation of bank paper, if it really existed, ought not to alarm us, while the diminution of the notes would introduce inextricable embarrassment into our mercantile transactions, and would palsy the military efforts of the country. The effects which we witnessed were produced by the unnatural state of the commerce of the world, in consequence of the system of our enemy. The Dutch fisherman, for instance, who would take specie alone for his commodity, would be very glad to exchange it for coffee or sugar, was he not prevented by the severest penalties. It was this unnatural state of things that produced the drain; and was not our internal circulation to be kept up, in such circumstances, for the purpose of supporting our agriculture and domestic commerce, which were the main props of all our exertions? Those who thought that the honour and safety of the country depended on the vigorous prosecution of the war, must be cautious how they touch the national resources.

With regard to exchange, it was a remarkable fact, that the India exchanges were lately very much improved in favour of this country. What was the cause of this? Why, it was because the measures of Buonaparte had no influence upon that commerce, and could not affect the balance of trade. As to the security of bank-notes, he should concur, that, when the Exchequer received in payment every quarter almost as many bank-notes as were in currency, this alone afforded a very considerable security, and was likely to preserve their value, and their credit in circulation. The simple proposition was, that notes were to all intents and purposes as good as cash for internal payments. So he apprehended it was, in spite of some extraordinary cases, and so he apprehended it would be. There had been only one case where coin had been demanded by a creditor, and pronounced to be the only legal tender; and did not this prove, that in the common transactions of life, bank-notes were held to all intents and purposes equivalent to coin? Upon the whole, the present times were totally different from all former precedent, both in respect of our foreign expenditure, and the state of commerce. If the mound erected by the enemy against our continental trade were once removed, this country was full of all those commodities which would speedily restore the exchanges. Undoubtedly the expenditure of a war of twenty years had greatly increased the circulating medium, the value of which was of course diminished, in the same way as would be effected by a great influx of the precious metals. But this operation had taken place gradually, and therefore, so far, injustice to creditors had neither been intended nor produced. With these views, he had no difficulty in concurring with the Resolutions of his right honourable friend.

Mr. Canning explained.

After a few observations from Mr. Morris, the question was loudly called for.—A division then took place, when there appeared,

Against the Amendment -	82
For it - - - - - -	43
Majority - - -	39

The Resolutions were therefore carried, and ordered to be reported.

Mr. Tierney gave notice, that on the bringing up of the Report, he should move an Amendment on the two last Resolutions, the effect of which Amendment would be to get rid of the whole of them.

Mr. Whitbread, in the absence of a right honourable friend of his, gave notice, that the motion on the Catholic Petition would be brought forward on the 31st instant.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 14.

The Royal Assent was given by Commission, in the name of the Prince Regent, to sixty-one Bills. The Commissioners were the Lord Chancellor, the Earl of Winchilsea, and Lord Mulgrave.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 14.

BOARD OF CONTROL.

Mr. R. Dundas said, he rose in consequence of the notice he had given, to bring forward his motion relative to the Board of Control. The House were in possession of the papers, and were aware that the salaries of the officers and clerks of that Board were fixed by an Act passed in 1793. At that time, and by that Act, the sum of 5,000*l.* had been allotted for the payment of the Commissioners and Officers, and 11,000*l.* for those of the Clerks of that Board; but though that sum was then deemed to be sufficient, it was found not to be so at present. It had not been his intention to bring this matter before the House, till he was able to lay before them the general statement of the Company's affairs; but he found if he delayed any longer doing so, there would be no alternative, but either to increase the salaries of the Clerks, or to dismiss a part of them, which would greatly retard and embarrass the business of the Board. He supposed the increase would amount to 15 or 16,000*l.* He meant also to propose, that the Act of last Session for regulating the salaries should be altered, and a

power given to the Commissioners similar to that of all other public offices. There was another circumstance which he felt himself rather disinclined to mention, from motives of personal delicacy; but it was so interwoven with the other part of the measure, it was not in his power to avoid it. Among the other salaries which it was in contemplation to increase, was that of the office which he himself held, viz. the President of the Board of Control. Whether this increase of the salaries might be deemed improper, and in what degrees, it would be for the House to determine when the Bill was brought in. Another object of the Bill related to the power of the Court of Directors, as to restoring officers dismissed by the sentence of a court-martial. There was at present an act in force, which says that in cases of officers dismissed by a competent court, the Directors should not have power to restore them. Hitherto it had been the custom to consider the words "a competent Court," as relating merely to civil situations, and not to courts-martial. There existed, therefore, a serious doubt on this point, which it was his wish to remove. Another very material point which this Bill he meant to move for would embrace, was that which respected the hiring of ships. The Directors are at present, to a certain degree, restrained in that particular, and, by the Act of 1797, obliged to give fourteen days notice of their intention. This restriction had, in cases of pressing emergency, been found extremely inconvenient; as where a ship had been lost, or taken by the enemy, the necessity of sending out another ship to replace her cargo was evident; and it was equally so, that the Directors being obliged to give fourteen days notice of their intention to take up such other ship, was attended with great delay, inconvenience, and frequently with injury to the service. It was, therefore, thought necessary that the Directors should have the power, on any emergency, to hire or take up ships without the notice hitherto required. Those were the chief objects of the Bill, and he did not feel it necessary to take up the time of the House farther than to move, "That leave be given to bring in a Bill, for making farther provision for the payment of the salaries of the Officers and Clerks of the East-India Company, to authorise the Directors thereof to restore officers dismissed by courts-martial, and to enable them to take up ships on emergencies without notice."

On the question being put—

Mr. Creevey said, he had certainly no objection to the increase of salary to the President of the Board of Control. It was a very arduous, laborious, and fatiguing situation, and deserved an adequate remuneration. When the Board was first established, he thought that the Commissioners places were just made for the employment of four Members of Parliament. He thought, therefore, the President ought to have four out of the five thousand, or even the whole five thousand a year, and the Commissioners should have nothing. The President ought certainly to have more, and the Commissioners to have less. He (Mr. Creevey) was for his part ready to make them a present of *his* place. (*A laugh.*)

After a few words from Lords Morpeth and Castlereagh, the motion was agreed to.

IRISH AND ENGLISH MILITIA.

Mr. Secretary Ryder rose to bring forward the motion of which he had given notice, viz. to permit an interchange of the services of the Irish and English Militia. It was, he said, a subject on which there might be some difference of opinion; but he flattered himself, when the situation of the two countries was duly considered, when it was recollected that they were become one as it were by a legislative incorporation, he should think all their military operations ought to be the same, and equally directed to the mutual welfare and interest of the whole empire. At the time when the union of the two countries actually took place, the necessity of this measure was not the same, nor did it wear the same aspect as at present. Whatever differences of opinion, however, might prevail on that head, we ought so to arrange our military force as to leave the largest possible portion of our regular army disposable for foreign service. It had been observed to him, that this measure was not necessary, because on emergencies the militia of each country have always volunteered their services, and no doubt they would again do so if the same circumstances again occurred: but still he thought it proper to place this matter on a permanent footing. He referred to the campaign in Portugal, and observed how great would have been our advantage, if, instead of sending to Sicily, Halifax, and other distant situations, for troops to reinforce our brave army, we had been able to send off immediately a portion of that fine army that was locked up in Ireland, by sending over an

equal number of English Militia, and bringing the same number of Irish Militia here. He should not, however, do justice to the case, if he confined the advantages likely to result from this measure to military operations alone. The moral, social, and political effects of it, he doubted not, would be more extensively valuable. We must not talk on this subject merely as natives of one or the other part of the empire, but should embrace a much larger field of observation. We should consider what must naturally be the consequence of large bodies of the country gentlemen of each island going over to the other to remain for a certain length of time. They must of course soon become better acquainted with the customs and manners of those whose country they respectively visit—they will severally be enabled to form a true judgment from their own observation and experience of what they previously took only upon report. The mutual intercourse could not fail of doing away many strong and unfounded prejudices, which, perhaps, now unfortunately exist in both countries; and the increased communication would in all likelihood lead to new connexions of the most social and endearing nature, the benefits resulting from which might hereafter prove incalculable. He would be most happy in introducing this business, did he not fear there was a class of gentlemen in that House, whose feelings might be alarmed on the first introduction of the subject; but when they came to consider it maturely, he hoped they would find their alarms unfounded. In nineteen instances out of twenty, the Militia regiments in England had for many years past been removed to a greater distance from their own counties, than if they had served in Ireland. He had heard it had been objected, that the English and Irish Militia were to be changed for an indefinite time—but that was not the case. The Bill will contain clauses, that not more than one-fourth of the Militia should be called out to serve in Ireland longer than two years, so that in the course of eight years, the whole of the British Militia will have served in Ireland, and in the same period the whole of the Irish will have served in England. He was also persuaded that the success of the measure might have the effect of shortening the period of service. He concluded by moving "for leave to bring in a Bill to permit the interchange of the British and Irish Militias respectively."

Mr. Tighe had heard a great deal of the accommodation that was due to English officers, but nothing of what justice

required in favour of the Irish soldiers. It was understood, that the law in this country empowered or rather enjoined to officers to march their men to the parish church. Now, as it was notorious that the majority of the Irish Militia, who were now to be solicited to come into this country, were Catholics, he thought it absolutely necessary to protect them in their free right of religious worship. He was convinced, however, that if the right honourable gentleman (Mr. Secretary Ryder) and his colleagues, would but support those measures which the interest of Ireland required, there would be no occasion for having any army locked up in that country. The whole regular army, which was now in Ireland, would then be perfectly disposable for any *speculations* or military operations that Ministers might resolve on.

Sir J. C. Hippisley and *Sir J. Newport* pressed the necessity of protecting the Catholics of the Irish Militia in their religious worship.

The Chancellor of the Exchequer conceived that the Irish Militia, when arrived in this country, would be subject to the Militia laws as they stood in their own country, and that of course the Irish Militia Officers would stand on the same footing as they did before in point of rank, and the soldiers in protection.

Mr. Whitbread doubted very much the law as stated so freely by the right honourable gentleman, who would not, as he believed, have given such an off-hand opinion, when in his former situation. He hoped, however, that before the Bill was brought in, the opinions of the law officers would be obtained, to declare whether that was the law or not. He did not object to the principles of the Bill, although he believed that the consequence of it would be, that the landed proprietors would cease to be Militia Officers.

After a few observations from Mr. Elliot and Colonel Bastard, leave was given to bring in the Bill.

TRINIDAD.

On the motion of Mr. Marryatt, a copy was ordered of the letter of Lord Liverpool to Governor Hislop, stating, that the British Constitution would not be extended to that island; also a copy of the articles of capitulation of the island; as also an account of its population, and a copy of the petition of the white inhabitants of the island.

The Chancellor of the Exchequer thought the discussion was not advisable, but it was not in his power to prevent it. He then moved for a copy of the petition of the men of colour in the island against the proposed measure, which was ordered accordingly.

RESOLUTIONS ON THE BULLION REPORT.

Mr. Wharton brought up the Report of the above Resolutions, the second reading of which being moved,

Mr. G. Johnstone rose, and declared that he felt very reluctant, after the long and able discussion which had already taken place upon this subject, to offer any thing further to the attention of the House. But having had the honour to be a member of the Bullion Committee, and having also concurred in all the opinions expressed in its Report, he trusted that he might be indulged for a short time with their attention. He apprehended that among all the gentlemen who had spoken on this question, none had sufficiently considered what might be the consequence of a perseverance in our present system. Much had been very justly said on the virtual breach of faith towards the public creditor, and it was impossible that too much anxiety could be felt on that point. The debate had, however, in his judgment, done much good in drawing from those who opposed the conclusions of the Bullion Report, some concessions which had been obstinately withheld in many of the pamphlets by which that Report had been followed. With one exception, every member who had joined in the discussion had disclaimed all belief in or adherence to any imaginary standard, in the constitution of our monied system, and that exception was the noble Lord under the gallery (Lord Castlereagh), whose criterion was still more fanciful and wild than any he had ever heard of. The standard had been moreover acknowledged to be the precious metals; and the only point in dispute between his honourable friend near him and the right honourable gentleman below him was, whether as bullion or as coin they were the most effectual and undoubted standard. This was a point he thought of no great importance, since coin alone derived its value from the quantity of bullion which it contained. The Chancellor of the Exchequer had also distinctly admitted in his speech on the preceding evening, that a diminution of the issues of the Bank would operate favourably on the exchanges, but argued that that was a good over-

balanced by the political mischief by which it would be attended. He would touch afterwards on the solidity of this last argument. Something had, too, been acquired to the doctrine of depreciation by the admission, that as applied to external purchases our currency had fallen in value. Now that these external purchases necessarily affected the price of commodities in the home market, was a point very properly noticed immediately by his honourable friend, and he should therefore not dwell upon it. A great distinction had been said to exist between the present alleged excess of paper, and the excess in Ireland, which was followed by the open establishment of two prices. But what was the cause of this difference? Two prices did not openly prevail in this country, from the terrors of the statute of Edward VI. a statute not applicable to Ireland. (*Hear!*) It had been stated by the right honourable gentleman, that our circulating medium amounted, before the Bank restriction, to 47,000,000*l.* including 36,000,000*l.* of specie, and 11,000,000*l.* of bank paper; and that, at present, we had in circulation, but 3,000,000*l.* of specie, and 23,000,000*l.* of paper. He had to observe, in the first instance, that this statement entirely overlooked the issues of the country banks, on the amount of which he had some observations to make. He had moved some time ago for the production of several papers from the Stamp-Office, which shewed that in the year 1805 the number of stamps, taken at the lowest sums to the issue of which they were legally applicable when converted into the form of country bank-notes, would amount to 10,100,000*l.*; in the following year to 10,000,000*l.*; in 1807 to 6,000,000*l.*; in 1808 to 8,000,000*l.* and in 1809 to 15,000,000*l.* In the last year their amount was 9,600,000*l.* These stamps could only be in use, according to the law, for the period of three years. Thus the years 1805-6-7, would prove the whole amount of country notes in circulation to be not less than 26,500,000*l.* and to have increased latterly to 29,400,000*l.* He was aware that this account might be liable to some deductions, but he believed them to be inconsiderable. The deposits of paper now kept by bankers fell very far short of what they were when subject to be called on for payments in specie. There was probably, at least 6,000,000*l.* of specie originally always in their coffers, to meet any accidental demand for it. This was so much withdrawn from the whole amount of the

currency at the former period. Admitting, then, the correctness of the statement that, before the restriction there was in the country 30,000,000 of specie, beside 11,000,000*l.* of bank paper, and 8,000,000*l.* of country notes, this deduction would leave the whole amount of the currency at that time, about 43,000,000*l.* The present amount of bank paper in circulation is stated to be 23,000,000*l.* and the specie at 3,000,000*l.* which he believed, however, to be less than it actually was. After making an allowance of two millions for paper cancelled or destroyed, we should have twenty-five millions remaining, which after a further allowance for the sum employed as deposits or rests, by the country bankers, would constitute a sum total of 48,000,000*l.* and an increase of 5,000,000*l.* above the whole amount in circulation antecedent to the restriction. The increase in London alone in paper applicable to the purposes of the wholesale trade had been calculated to be from 9 to 13,000,000*l.* It ought to be remembered at the same time, that this great increase was contemplated by various recent regulations; the use of paper had been much circumscribed, and the quantity of circulation greatly economised. The clearing-house at which the transfers among bankers were made, afforded evidence of this; and the late practice of the Bank of discrediting bills had the same effect in lessening the sum required in circulation. A challenge had been given to his honourable and learned friend to adduce proof of any rise in prices corresponding to the alleged excess of paper; and certainly he fully agreed that if no such rise could be exemplified, that excess could not have taken place. But, as far as his information and judgment went, there could not exist a doubt that there was correspondence between them, and that the rise of prices had really gone farther than could be ascribed exclusively to the depreciation of the currency. His learned friend had, in his able speech, particularly referred to the rise of corn, unquestionably the criterion most favourable to his opponents, and had shewn the rise to be in the proportion of 7 to 11. Assuming the scale furnished by the tables of Sir G. Shuckburgh, he calculated the proportion to be about 531 to 238.—The right hon. gentleman had referred to the expences of Greenwich Hospital, and in his opinion that was a document well worth producing. He had seen, in one ingenious pamphlet, a scale of prices, in which it was attempted to shew that there had been no sensible rise. On looking into it, however,

he perceived that the writer had, with the exception of tin and indigo, confined himself to articles of colonial produce (*Hear, hear!*) He then alluded to the neighbouring countries of Austria, Russia, and Sweden, which ought to be a lesson to us. It had been said, that the exchange was affected by the present interruption to commerce; but the truth was, that our commerce, in spite of Buonaparté's decrees, had extended beyond what it had ever been at any antecedent period. In 1809 the exports increased from 11 to 23 millions, and this year the exports could not be less than 19 or 20 millions. The deranged state of the exchange could not therefore be owing to the state of the foreign markets. On one article alone, cotton, the rise was from 9 to 18 millions. A derangement had been talked of as likely to result, by leaving the restriction system. We could not carry on war. How had war been carried on for the last 14 or 15 years? Not, surely, from a paper system, but from a surplus produce, and our manufactures; so much the greater our produce than what was consumed by ourselves, we had the greater fund left for war. With respect to the interest of the sum due by the Public to the Bank, (150,000*l.*) of that interest 100,000*l.* might be considered as compensated by the profits made by the Bank in managing Government money in their hands. The Bank restriction may have produced good to this country in somesuch way as the mines of the New World were said, by Mr. Hume, to have benefitted Spain, at first; but the period was now past, and we were called on to stop. This might be carried too far, as in the human body, when a man rouses himself to extraordinary exertions, they will be succeeded by lassitude. The depreciation really began in 1797; and if exchange had been sometimes since that period favourable, it was entirely owing to our balance of commerce. We had never mistaken the nature of the depreciation of the currency of our colonies: why then should we deal a gentler measure to ourselves than we had dealt out to them? All the banks that had followed the system of the Bank of England, had ended in depreciation, the Caisse d'Escompte and the others; and if the Bank of England had stood out longer, it was entirely owing to the greater credit of this country. He implored them, therefore, to return to the old and salutary system.

Mr. Fuller—"Mr. Speaker, if the honourable member who has just spoken, alluded to my financial knowledge, I am only greatly surprised, and very much obliged to him.

But he might as well have talked upon any thing else. For, Mr. Speaker, I don't like this business at all. I think that it is a *humbug*. I think it is the greatest humbug that ever was put upon the country since that affair of the Duke of York. There is no depreciation; or I know nothing at all about the matter. I can't understand how they would make out that there is any depreciation of the currency of the country. No, Sir, this is all the attempt—this is all the system of the base faction, the cowardly faction, who are undermining the credit of the country. (*Cries of Order! order!*) Yes, Sir, the faction that originates every thing malevolelent to——but, Sir, I go to other things. Some gentlemen, Sir, say the guinea was once worth 20*s*. It is now worth 21*s*. and some say that it is worth 24*s*. Why, then, if this be the case, why not say so? why not speak out? why not raise the guinea at once to 24*s*.? I don't pretend to puzzle myself with those things: but I say, let the country be firm; let the country keep up the credit of its currency, and all will go well. (*Hear!*) There are various reports, as to what went with the gold; some say it has disappeared; and some say it has been hoarded on the sea-coast, in order to send it off by the first boat that comes, to take it to the Continent. No matter for that. What should hinder our having a circulation of our own, that nobody could take from us? The people would make no objection, they would take any thing for money; they would take *tallow-candles* for change, if they would not melt in their pockets. (*Loud laughing!*) If we once adopt this plan, we may defy the enemy as long as we like. We can make a circulation of any thing, if we will only agree about it (*Hear!*). We can make coin of leather or oyster-shells; and if we can only keep up its credit for a year, we shall have Buonaparté on his knees at the end of it. He, that tyrant, the Emperor of France himself, will be in despair of ruining us. He will see that nothing can shake the stability, the firmness, the strength of the British Empire. I wish I could see a *gentleman* here (*Laughing*), I mean, Mr. Speaker, I wish I could see a gentleman in his place (Mr. Sheridan) that was here the other night, when we were talking about the play-houses—a great man, a noble person, Sir; I would have given him a hundred play-houses. Sir, he always came forward, he always spoke when there was a mutiny, when there was a riot; whenever, in short, the country was in danger, he forsook his *party*,

and spoke his mind. He would certainly have spoken now, and I only wish he was here to speak. He would have put down this mean, conspiring set. (*Order, order!*) Sir, I wish to set my face against the whole scheme. It grieves me to see the time of the House taken up so many nights one after another, with this tiresome question. It grieves me to see so much labour and sweating about this Bullion Report. Why, Sir, it won't make a bit better figure in the papers, than that nonsensical dispute between you me. (*Hear! and laughing*).

Mr. Charles Adams went into an examination of several of the positions of the most distinguished pamphlets that had appeared on the question.

Mr. Thompson doubted much if the excessive issue of paper would have the necessary effect in all cases of increasing the price of bullion. He thought the present discussion had been productive of much mischief, but had no doubt that the decision of the House upon it would remedy the evil. Bank-note paper was generally received throughout the country as unquestionable security. When he took a man's promissory note as adequate security for debt, he took it in reference to that man's property, and not to the amount of his specie then in his pocket. He thought that country banks were of great use; and if the Government wished to take any step that could have the effect of putting country banks on a more respectable footing, it should be by obliging them to purchase government debentures to a certain amount. Dr. Adam Smith states, that the trade of Scotland, within ten or fifteen years, doubled, after the establishment there of two banks.

Mr. Marryatt, in commenting on the speech of an honourable gentleman (Mr. Fuller), said, that he was willing to leave to that gentleman his oyster-shells, provided he would leave to him (Mr. Marryatt) more gold and silver. A noble Lord (Castlereagh), in speaking of our Northern fellow subjects, the Scots, had called them what no man could deny them to be, a most moral and ingenious people. His proof of that assertion was, however, rather whimsical. He had said that not a peasant could be found in Scotland who would prefer ruin to bank-notes, if so, he could assure the noble Lord that their countrymen in London were to be distinguished by a very different sort of magnanimity; for here the difficulty would be to get them to take paper where they could get guineas.—The noble

Lord, however, might have drawn more striking facts from amongst his own countrymen. In Ireland there was no taking up a newspaper, without seeing advertisements vying with each other in offering guineas, doubloons, and dollars to sale. He read two of those from a paper he held in his hand, one signed O'Keefe, 113, Exchange, Cork; the other signed Hely, in the same city; where both profess to offer each of them a higher price for guineas than any other man in Ireland. (*A laugh*).

Mr. Simeon spoke shortly in denial of the depreciation.

Mr. W. Smith proceeded to state a fact as a proof of the depreciation; 1st. That a pipe of wine, for which 110*l.* was demanded in the ordinary currency, had been sold for 90 guineas—2nd. That a man having 600*l.* in gold, came to London to purchase certain articles in the way of his business, and was allowed 12. and a half per cent. as the difference. But then it was answered that the guinea had risen. The Bank promised to pay in standard coin; and if the notes had been convertible into this coin, or had been considered as equivalent, then the man possessing the 600*l.* in gold would have had no advantage over one having as much in paper. But the difference fully proved the depreciation. After stating that actions would soon be brought for coin, unless the expence, and the sense that each prosecutor might be served in the same way, prevented it; he said that it was in vain for gentlemen to shut their eyes against the fact of depreciation, as the ostrich hid its head and then thought itself secure. Vigorous measures ought immediately to be taken to check it; the longer the remedy was delayed, the more severe would be its operation. He then commented on the conduct of the Bank Directors, which had been too much praised by some, and too much censured by others. They had certainly been placed in a difficult situation: but the cause stated for the restriction was, that they might have specie to answer the public emergencies. There were some grounds to believe that they had not strictly performed this condition, and therefore their conduct was not deserving of the applause so liberally bestowed upon it. They had made immense profits, as appeared by the great rise in their stock, being from 180 to 280 since the restriction, while the government funds had, during the same period, only risen from 56 to 65. Adverting then to the remedy, he said that the Bank ought, at some loss to the proprietors, to put itself into a situation to

resume cash payments, when Parliament thought it expedient. He could not fix any definite period, neither did he imagine that the restriction ought peremptorily to be continued during the war. It was impossible to say how long that might last. They had not at present even a glimpse through the gloom.

The Resolutions were read a second time, and on the motion that the first be agreed to, Mr. Horner moved the whole of his former Resolutions, thrown into one as an Amendment.—The Amendment was negatived.

Mr. Canning asked Mr. Vansittart whether he meant, in his first Resolution, to say that the Crown had an unqualified prerogative of fixing any other standard than what now existed by law? Was he aware that the 14th of the King fixed the standard?

Mr. Vansittart did not mean to say the Crown had the prerogative of dispensing with the Act of Parliament.

Mr. Canning then said that the Resolution was incorrect.

Here a conversation took place as to the reading of the Act of the 14th of the King.

Mr. Rose said, there was no occasion for reading it, as there was nothing in it contradictory to the Resolution.

Mr. Ponsonby called the attention of the House to the danger of passing this Resolution. It affirmed, that it had always been the right of the Crown to mix the proportions of pure metal and alloy in the coin at its pleasure, and to make it represent what value it pleased. This he denied. There had always been a standard, and in proof of this he referred to the statute of Edward the Third. That the Crown possessed, and had exercised a right which was nearly equivalent in effect, viz. the right of altering the denomination of the coin, was true. Some of our Kings had adopted this method of cheating their subjects; but, as Lord Liverpool had said, that was an expedient which in the end had never been profitable or honourable to the Crown. But the prerogatives of the Crown were a trust for the benefit of the people; and he beseeched their representatives to consider what it would be to say, that the Crown had the power of establishing whatever base money it pleased as the coin of this country. This part of the Resolution was besides unnecessary, because it had no necessary bearing on the question under discussion.—The Resolution further stated, that the Crown had often exercised this prerogative in concurrence with the States of the Realm. This was a contradiction in terms, for the meaning of a prerogative

was, that it might be exercised by the Crown without the intervention of Parliament. This alleged prerogative was at least sufficiently doubtful to require the House to pause before they passed such a Resolution. If they did pass it, whatever might be their own judgment as to their conduct, no lawyer nor man of sense in the kingdom would approve of it in this instance.

Mr. Bathurst maintained that the Resolution was correct.

Mr. Pole Carew said a few words.

Mr. H. Thornton conceived that the recent Acts of Parliament had limited the King's prerogative in this respect.

Mr. Canning rose, but the Speaker informed him he had already spoken.

Mr. Perceval expressed his astonishment that the right honourable and learned gentleman should have contradicted Lord Hale, and that after voting for the Resolutions of the honourable member (Mr. Horner), which contained a similar doctrine, he should afterwards oppose it when embodied in those of his right honourable friend.

Mr. Horner hoped the House would come gravely to a decision on this most important point, without reference to the merits of either set of Resolutions. If his Resolutions contained precisely the same import as his right honourable friend's, why had the right honourable gentleman (Mr. Perceval) voted against it? (*A laugh: and hear, hear!*)—As to the authority of Lord Hale, he admitted it to be great; but it was opposed by that of Blackstone, who held that the King's prerogative did not extend to the debasement of the current coin. In what part of Hale too was his opinion found? It was in a commentary on the Reports of cases in Ireland, by Sir John Davis. (*Hear!*) The House was, therefore, called on to declare that to be a Royal prerogative, which even Prerogative Lawyers had considered doubtful. He was happy to see the Crown Lawyers in their places on this occasion.

Sir V. Gibbs contended that all those who had read the Resolutions of the honourable and learned gentleman must perceive that he had himself subscribed to the opinion of Lord Hale. This was the natural and obvious meaning of his expressions. (*Hear, hear, from Mr. W. Wynn*). He would not be prevented by any vociferation, however offensive, from declaring his opinion. He extolled the value and authority of Sir J. Davis's Reports, and observed that the Resolution before the House did not imply that it was a prerogative to be exercised without consent of Parliament.

Mr. Wynn vindicated the right of every member to interrupt another advancing unsupported assertions, and observed that the case in Ireland, mentioned in the reports alluded to, took place at a period when Judges travelled in Ireland in the midst of an army.

The Attorney General explained.

Mr. Tierney rose to move, that as a former amendment for omitting certain words in the Resolution had been rejected, he should move that there be added to it these words—"and that it is expedient to declare it."

After a few words from the Speaker, the question was put, when

Mr. Canning said, he was indebted to the right hon. mover for thus giving him an opportunity to remark, that the prerogative of altering the denomination of the coin having been limited and defined by a positive statute, he could not conceive what motive could induce any member to call upon the House to contradict by its Resolutions the written law of the land. If, in conformity to such a Resolution, a Proclamation should appear to-morrow for altering or lowering the standard, even by a single grain, of our currency, any man acting in obedience to it would subject himself to all the penalties of the law. With this conviction, he intended, therefore, if the right hon. gentleman's Amendment should be rejected, to propose in lieu of it the following addition—'and that the weight and fineness of the gold and silver required to be contained in the coins of the realm are fixed and ascertained by 14 Geo. III. cap. 96.'

Mr. Ponsonby, though fully sensible of the value of Lord Hale's opinion, knew that both he and Lord Coke sometimes committed mistakes in point of law; and that he thought that Sir W. Blackstone, who had all their light, was a great authority too. Sir John Davis laid down such doctrines in favour of prerogative occasionally, that if any lawyer in Westminster-hall should think proper to maintain them at present, it would not much conduce to his reputation.

Mr. Vansittart, *Mr. Canning*, and *Mr. Bathurst*, entered into a discussion on the import of the Amendments.

Mr. Tierney explained.

Mr. Perceval was between the two gentlemen (Mr. Canning and Mr. Tierney) like the lover in the Play—

How happy could he be with either—

But unfortunately, though these two gentlemen agreed with one another, and although the right honourable gentleman (Mr. Canning) had, in one of his illustrations on a former evening, stated, that when two things agreed with one another, they necessarily agreed with a third, he found that when he agreed with the right honourable gentleman (Mr. Tierney), he could not agree with the other, and *vice versa*.

Mr. Tierney's Amendment was then put, and negatived without a division.

Mr. Canning then brought forward his Amendment, stating in addition, that the weight of gold and silver was fixed by the 14th Geo. 3. cap. 70 and 97.

Mr. Perceval said that that act left the weight as regulated by the Mint—nothing was said as to weight and purity.

Mr. Horner said, that was ascertained by the statute of Edward the Sixth.

Mr. Perceval denied that the alloy at present was the same as in Edward's time.

The Amendment was then put, and negatived without a division.

The second Resolution was then put and agreed to.

Mr. Tierney stated it to be his intention to move an Amendment to the third Resolution, and he was anxious that the whole question should be adjourned.

The Chancellor of the Exchequer opposed the Adjournment.

Mr. Tierney said this was unfair, as he had never been able to get an opportunity to speak his sentiments, which as they merely related to the remedy, could only now come in.

The Chancellor of the Exchequer instanced the inconvenience that would result in the loan, this day, from it.

Mr. Tierney said, he would not go on if he could help it; but would avail himself of the forms of the House.

Mr. W. Smith thought the bidders at the Loan might pretty accurately anticipate the result of the vote.

After some more discussion, in which the uncertainty whether the motion of an honourable gentleman (Mr. Brand) would be insisted on was mentioned, the farther consideration of the question was at length adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 15.

REFORM OF PARLIAMENT.

Mr. Brand called the attention of the House to his notice of a motion on the subject of Parliamentary Reform, which stood for this day. Although this was a subject of the most important description, yet for the convenience of his friends and of the House, he had agreed to postpone his motion. It was with great inconvenience to himself that he did so, as he was under the necessity of going to the country immediately, on business that could not be neglected. If he had brought it on this night, however, he was aware that the House, after the tedious and interesting discussions in which they had for some time been engaged, would hardly have been able to attend to the subject of his motion, in a way suitable to its importance. With the leave of the House, therefore, he would withdraw his motion for the present. He could not exactly fix a day for bringing it on—but he hoped to be able to do so early in the ensuing month.

Mr. Morris obtained leave to bring in a Bill to amend the 38th of the King, extending the powers of Justices of Assize. The object was to add two provisions which had been omitted in that act, first, to enable the Judges to remand criminals to the particular jurisdiction for the execution of their sentences—a most important provision; 2d, to enable them to compel the particular jurisdiction to pay the proper expences. These were not to be compulsory on the Judges, but subject to their discretion.

The British Calico Bill was read a third time and passed.

MISCELLANEOUS ESTIMATES.

In a Committee of Supply, the following sums were voted—

Westminster Improvement -	£ 14,000
Naval Asylum - - -	47,382
To pay off Exchequer-bills issued on account of the East-India Company, last year	1,500,000
Other Exchequer-bills for 1810 -	4,500,000
Other Exchequer-bills - -	2,500,000
British Museum - - -	7,999 19 8
To Mr. Davis, for losses sustained by him from improvements in the Marshalsea Prison - -	4635

Mr. Rose stated, that by the improved regulations of admission into the British Museum, 29,000 were admitted in a season instead of 15,000 as before, and with liberty to remain in any of the rooms as long as they pleased—Report to-morrow.

BOARD OF CONTROL.

Mr. Dundas brought up the Board of Control Salary Augmentation Bill. He said nothing as to the salaries of the Commissioners—but it was absolutely necessary to augment the salaries of the Clerks in the President's Office. The expence of that Office had been confined to 11,000*l.* in 1793, and no augmentation had been made since. An addition of 3000*l.* only was wanted.

Mr. Creevey thought the salary of the President might be augmented by diminishing the allowances to the Commissioners. He also stated, that Mr. Dundas, and his father Lord Melville, had between them 11,000*l.* a-year out of the public money. The laborious office might be executed at a less salary, in consideration of the sinecure.

Mr. Perceval said, that pensions were granted sometimes with a proviso, that if the grantee came into a valuable office, the pension should cease. But that did not apply to the present case.

Lord Folkestone stated, that the Chancellor of the Exchequer himself, much to his credit, had waved his salary for one office, when he took another much more lucrative.

After some observations from Mr. Tierney, Mr. Wynn, and Mr. Dundas, the Bill was read a first time, and ordered to be read a second time to-morrow.

PUBLIC EDUCATION IN IRELAND.

Mr. Wellesley Pole rose, in consequence of the notice he had given yesterday, to move for leave to bring in a Bill for the appointment of Commissioners to superintend the public education of the Poor in Ireland. He said, before he did so, he would crave the indulgence of the House, till he made a few observations on the nature of the Bill, and the plan which was intended to be followed.—The right honourable gentleman then entered into a history of the numerous schools in Ireland, among which he mentioned the Blue-coat School, the Foundling Hospital School, the Diocesan Schools, the several Parish Schools, and Erasmus Smith's Schools. At various antecedent pe-

riods Acts had passed the Irish Parliament for the regulating these several Schools, and for appointing Commissioners to see the regulations carried into execution. By an Act passed in 1804, in that House, the Commissioners appointed for the purpose were the Lord Primate of Ireland, the Archbishop of Dublin, the Lord Chancellor, the Master of the Rolls, the Provost, &c. and this Bill was intended to extend and amend that Act. He shewed, that the plan of education had been very much neglected in Ireland, and that it was the wish and intention of the present Government to have it better attended to. He mentioned one very extraordinary circumstance, viz.—that every Clergyman, before he can be inducted to a living in Ireland, must take an oath, that he either does keep a school, or that he will keep one in the town in which he lives; yet it had so happened, that not a single Clergyman had ever kept a School there, but had settled the matter, by giving forty shillings a-year, or some small sum, to a schoolmaster, to educate the poor. It was time, therefore, this business should be more seriously attended to. The present Bill appointed the several eminent persons he had enumerated Commissioners, to superintend this plan of education, who were to make their visitations, and see to the several regulations being carried into effect. What he wished at present, was, to have leave to bring in the Bill—that it should be read a first time and printed, so that gentlemen best acquainted with the subject, and its extensive importance, might have an opportunity of giving it the most mature consideration; as it was not his intention to proceed further in the business till the next session. He concluded by making his motion.

Sir John Newport returned his thanks to the right honourable gentleman for having turned his attention to the subject, and suggested to him, that all the schools should be visited by the Commissioners, as well as those that have been mentioned. He was at a loss to conceive how the Rectors were able to reconcile their conduct to their oaths, that they would keep schools in their respective parishes.

Mr. Wilberforce thought that no subject could be of more importance either in a moral or political point of view.

Mr. W. Pole, in reply to the suggestion of Sir John Newport, said, that if any class of schools had not been looked into by the Commissioners, he would recommend it

to them to visit them.—Leave was then given to bring in the Bill.

BULLION REPORT.

The House having resumed the farther consideration of the Resolutions on the Bullion Report,

Mr. Tierney said, in rising to propose his Amendment to the third Resolution, he would avoid entering into any general discussion of the question, which he considered as completely exhausted by what had fallen from the different Members who had spoken on it, and especially by those who had spoken on his side of the House. He could not avoid, in particular, complimenting his honourable and learned friend who had opened the debate, of whom it was but justice to say, that in his opinion a greater reach of mind, greater industry, or a greater power of forcible and impressive eloquence, than he had displayed, had rarely ever occurred in the Parliamentary history of this country. He agreed most cordially in the doctrines laid down by his honourable and learned friend, on the principles of the question; and if he had not differed with him on the last Resolution, with respect to the remedy, he should not now have troubled the House. Perhaps the wisest course would have been, not to have done any thing upon the Report, and left the Bank to have profited by it; and if the Report had been suffered to work its own way, he would not have been disposed to suggest any other method of giving efficacy to it; but when, not content with the rejection of the Resolutions of his honourable friend, it had been thought advisable that the House should declare an opposite set of Resolutions, the utmost danger was to be apprehended to the country if they were to be adopted. He therefore conceived it necessary to come forward with an Amendment, which should do away all the ill effects of such Resolutions; and, to save trouble, he would introduce it at the third Resolution, which professed to set the question of depreciation at rest. It did not, however, set the question at rest; nothing could be farther from it. It was proposed as an answer to a Resolution of his learned friend (Mr. Horner), which states, that the actual value of the paper currency was depreciated in comparison with standard gold; but instead of controverting that Resolution, it escaped from it, and referred to the public estimation. What could be more

idle than such an answer? What did the right honourable gentleman mean by the public estimation? Did he mean the estimation that attached to currency throughout the world? Or did he mean the estimation in this country in particular? He certainly meant the latter, for nobody denied that our currency was depreciated in the estimation of foreign countries. The Resolution was therefore not correct, if not limited to the internal transactions of the country. But he would ask, how could a currency be sound in one country, and unsound in another? How could that be an equivalent in one country, which was not an equivalent in another? This was the question for consideration. —How far, even in our own limited circle, the currency could be considered as a fair equivalent, was a matter of doubt. The right honourable gentleman had indeed said it was—but there had been brought forward several instances to the contrary. It might be said, that these instances were too easily believed by those who held opinions which they countenanced. But a paper had been put into his hands which threw considerable light on the subject. The right honourable gentleman had a deputation some time ago from several of the most respectable traders in London, when they stated, that a great part of the evils which the commerce of the country was suffering, were owing to the depreciation of the currency. They stated expressly to the Chancellor of the Exchequer, that there was a depreciation, and that the evils of the low exchange were to be attributed to it. The paper containing their Resolutions was signed by the house of William Mellish and Co. by Thornton and Co. by Sir Charles Price, and by several of the most respectable houses in London. Whether that opinion was right or wrong, he would not say; but when it was expressed by a Deputation from the most respectable houses in London, it was rather singular, that a Resolution should be brought forward, asserting that there was no depreciation in the public estimation. But he did not mean to enter upon the general principle at present; for he could add nothing to what had been so well laid down by his learned friend (Mr. Horner). He believed the cause of the depreciation was an excess; and he could have no doubt of the excess. This would be the conclusion in ordinary times; and it was incumbent on the right honourable gentleman opposite, to shew that the effect was to be attributed to some other cause. There were at present 777 Country

Banks, endeavouring to circulate as much as possible without any check, and the circulation was to be presumed always full. An honourable gentleman stated, that a country banker wished lately to circulate notes for 50,000*l.* in addition to what was already in circulation; but that he could only circulate 1000*l.* more. This failure was attributed by that honourable gentleman and himself to quite different causes; for he (Mr. Tierney) could only attribute the failure to the circulation being already full, and that there was no room for more. When there are so many Country Banks, they will always be on the watch for profit; and if there is a tendency to filling, it became necessary to shew that they had not overshot the mark. When they came to consider depreciation, which was no more than a presumption of excess, how could any man doubt that excess had given occasion to it? He would say one word as to depreciation. He should be glad if any other word in the language could be found to answer the purpose; for it might be understood to mean "discredited." There was no one word, he believed, could express the precise idea; but the proper idea, he believed, which was meant to be conveyed, was "lessened in value." Paper was lessened in value, by the price of gold rising above the price of the currency. Though he himself, for instance, in his individual dealings, might find no difference between guineas and paper, would any man say, in discussing the estimate of value, that paper was equally valuable with gold. It had been urged, that this supposes the laws of the realm to be broken; but every day they were broken; and though this might be lamented, it could be no surprise. No human being could doubt, if gold in bullion was more advantageous than paper, that bullion would be preferred to paper. When persons were seen every where alive to the smallest variations of stock, and ready to take advantage of an eighth per cent. was it reasonable to think that they would, in this case, be so much asleep as not to convert 20*s.* into 25*s.*? Go to the bullion merchant, and see if the same quantity of bullion can be got for paper as for guineas. Supposing a person to have connexion with Ireland, which would he prefer? How, then, could it be said that they were equal? On this subject he should say less, because nothing was ever more happily exposed and ridiculed than the proposition was by a right honourable gentleman (Mr. Canning). There was no Resolution he more objected to than that which attri-

buted the unfavourable exchange to the state of our trade. Was it thought that the opinions of the Bullion Committee were dangerous, and that an opinion publicly expressed, and which would be circulated throughout all Europe, that the enemy of this country had been able to effect the destruction of our trade, was not much more dangerous?—All this would be much better, if passed by. It is acknowledging, that although we may have put the enemy to great distress, he has put us to still greater distress. The Bullion Committee had been called theorists; but they pointed to a remedy: but their opponents point out no remedy, which is not in the power of the enemy. Every person would, ere long, however, become convinced of the soundness of the opinions of the Bullion Committee; and although a sudden reduction of issues might be dangerous, yet it would be necessary that a reduction should somehow or other take place. He did not deny that the evil might partly originate in our embarrassments abroad; but that could be nothing like the whole cause, and ordinary effects could only be ascribed to ordinary causes; and their causes were the issues. A reduction, no doubt, would occasion a certain inconvenience—but what was the sort of trade it would principally affect? The right hon. gentleman (the Chancellor of the Exchequer) would wish that in the midst of an expensive war, we should feel no inconvenience; but no madman in Abyssinia or any where else, could imagine that in war it could be so managed as that we should not know whether we were at peace or war. This is the project of the right honourable gentleman opposite, and the noble Lord (Castlereagh) under the gallery. They support the Bank restrictions on a new system, against which he should raise his voice as pregnant with ruin. He could not conceive how any country could be going on more certainly to ruin than this, if the stoppage of the Bank should be adopted, not from principles of safety, but from principles of benefit. Supposing a year of scarcity, what would become of us?—If the coin be gradually leaving the country, the day would come when nothing but paper would be in the country. How then should we be able to procure any thing from abroad?—Lord Liverpool seemed to have written with a prophetic eye to some future Chancellor of the Exchequer, who should venture to maintain that we should have paper at home, and that we might send all our money abroad. That respectable writer stated the danger of the idea, that

we possessed the alchymy of turning paper to gold, and that we might export all our gold to those countries who did not possess that alchymy. He could not help speaking with disdain, when he heard a British Chancellor of the Exchequer maintain that such a system should be persevered in, not for safety, but for benefit, and for the more effectually carrying on foreign war. This was, he owned, more than he expected to hear. That was the first thing for which Parliament ought to provide a remedy; and it would be doing much, if he could prevail on Parliament to discountenance such an opinion. The Resolution which he should propose would avoid the difficulty of the last Resolution of his learned friend (Mr. Horner). It was impossible to say what would be the situation of the country at the end of two years; definite periods too could be easily enlarged, as there were already but too many instances of. The best thing, therefore, at present, was to declare that nothing could justify the restrictions but the public safety. He believed a hint would go a great way with the Bank of England. It had been stated by a Bank Director, that they had advanced three millions, without interest, to Government, and this was renewed at the end of three years; so that we entered into a disgraceful partnership with the Bank. The Bank had totally left the principles upon which they acted previous to 1797, when Mr. Pitt, in the plenitude of his power, could not prevail on the Directors to lend him money on the land and malt taxes, to enable him to assist Austria. He did not blame the Directors, but it was certain there was an entire change of principles. If there was no change, however, there could be no objection to his motion, which was to declare, that it was highly important that the Bank restriction should be removed at the earliest period at which it could be done consistent with the public safety; and that, during the restrictions, the Bank should continue to act upon the principles upon which they acted previous to 1797.

Sir John Sinclair would not have risen at so late a period of the discussion, and after so many speeches of extraordinary ability, but for one or two considerations. He had been called by an honourable gentleman, some evenings before, a proselyte. He did not believe that it was his intention to throw any slur or imputation on his (Sir J. Sinclair's) conduct, not being conscious of having acted upon

any other impressions that might naturally operate on a mind open to conviction. He had opposed the restriction in 1797, from a principle of public duty, conceiving it to be injurious to the public interest; having since changed his opinions, he now opposed with similar motives a new measure, which he was confident would be attended with the most ruinous effects. Notwithstanding all that had been said in daily, in monthly, and in quarterly publications on this subject, his persuasions remained unaltered. He held that there were two sorts of currency in the country, a metallic and a representative currency, the latter of which was applicable to all the purposes of the former, and to others beside. He wished gentlemen to turn their attention to those countries which did not enjoy the advantage of this representative, or paper currency. In China, he begged leave to observe, in the first place, there was a population of three hundred and thirty-three millions, and yet there was in that extensive empire no coinage, nothing but cash; he did not know whether they borrowed the word from us, or we from them. *(A laugh.)* Bank money might be described as money issuing upon good security, and always returning in a limited time to the coffers whence it was issued, thus constituting an unobjectionable and perfect circulating medium. Would not paper make purchases of every description, as well as coin, at the present moment; and would it not go just as far, provided it was in sufficient quantity? The advantages of a paper currency he conceived to be these; first, That it might be increased according to the demands of circulation; secondly, That it made us independent of foreign countries for our currency; and lastly, That it exerted a magical influence on all internal improvements, trade, and manufactures. Loans were in consequence easily made, at low interest, in the midst of expensive wars, new roads and canals undertaken, and the spirit of enterprise universally diffused. *(Hear! hear! hear! from Mr Perceval.)* With one hand Great Britain appeared spreading cultivation over the land, and with the other extending foreign commerce, and defeating a foreign enemy (*Hear! hear!*) Already was Portugal delivered, and he ascribed this glorious event to the abundance of our circulating medium. Our modern Midases might dwell, indeed, upon the mischief of an excess of currency, and assert its existence in defiance of the clearest and most in-

disputable evidence. *(A laugh.)* He regretted, however, that the effect said to have been wrought upon the antient Alchymist, by dipping in the river Pactolus, was not at the present period likely to follow the immersion of the Bullion Committee either in the Thames, the Tweed, or the Shannon. *(A laugh.)* A work had been published by a Mr. Du Pont, entitled, "*L'Etat de France*," upon the subject of the Paris Bank, which failed in 1806. By this it appeared that its capital had never exceeded 2,000,000*l.* not more than that of the Bank of Scotland, and less than that of Ireland. Was this case, then, deserving of a comparison to that of the Bank of England? *(Hear! hear!)* The same writer made another very striking observation. The quantity of bullion in India was enormous—it was constantly increasing, and yet interest was at twelve per cent.; and to use his own expressions, "*Les pauvres sont misérables, et les riches tous méchans.*"—*(A laugh.)* He would now mention three tests by which an excess could be judged. Did bank-notes pass currently from hand to hand? —Were they received at the Exchequer?—And did the circulation not exceed in amount the revenue? If these questions were answered in the affirmative, no excess could have taken place. Having made these remarks, he would now simply state a few facts. During four years our funded debt had only increased 12,000,000*l.* and since 1801, the whole increase of our revenue amounted only to 13,370,000*l.* (*Hear! hear!*) Was it possible then that men of common understanding could any longer assert that our resources were declining, or that there was any evil in our present system of currency? It was a saying of Frederick the Great, that it was a happy thing the systems of metaphysicians had no influence on the price of the quartern loaf; and in the same spirit he earnestly deprecated the adoption of the counsels of the Bullion Committee, whose reasonings, however ingenious, led to the most pernicious consequences. The greatness and welfare of a State were all comprehended in the preservation of its established religion, its established government, and its established currency. He must resist, therefore, any innovation upon the last, as one of the three important links of society; and he was deeply impressed that on the event of this discussion depended the prosperity and the best interests of the British Empire.

Mr. Manning defended the conduct of the Directors of the Bank of England, and denied that the Bank had any interest distinct from that of the public. In speaking from himself, which he had done in all that he had said upon this subject, and not as a person commissioned to state to that House the sentiments of the Bank, he was free to say that his situation as a Director derived to him no advantage whatever, save what flowed to him in the channel of the public interests. He was no farther a stockholder than as holding that portion of stock which was necessary for him to qualify himself for his situation as Bank Director, and he had no connexion with the stocks but as a Bank Director. In order to shew that the arguments which had been resorted to, to prove the depreciation of the paper currency, from the high price of guineas, he stated that there was a Dutch gold coin, called the ruyder, which was worth fourteen guilders, but which, by the laws of Holland, was not exportable. It was well known that a piece of bullion, of equal weight and fineness, would in Holland sell for 12 per cent. more than the ruyder, because the ruyder was not exportable. He repeated his vindication of the Bank, and contended that their paper issue was not regulated with a view to the raising of any excessive or unreasonable profit.

Mr. Huskisson rose merely to make one or two observations upon what had fallen from the right honourable Baronet and the honourable gentleman who had just sat down. He apprehended that the right honourable Baronet had, in his zeal for the paper cause, let out considerably more than the advocates of paper could wish to have disclosed. He seemed not only to deny the evils of an excessive paper issue, but to hail it as another and most promising system of finance; and that, as for the vulgar prejudices in favour of gold and silver, they ought to be at once exploded, or left merely to those modern Midases who would ruin the country in the fury of their speculations; this glorious paper system was to rescue us from all the horrors of gold and silver which the right honourable Baronet had proved by a quotation from a French pamphlet, must inevitably make "the poor miserable, and the rich wicked and powerful." With respect to the Dutch coin mentioned by the honourable gentleman (Mr. Baring), the ruyder, he believed, was the oldest coin in Holland. It was certainly

prohibited from exportation by one of those absurd laws which were allowed to continue in many countries without one reason to warrant the continuance of their operation. But the instance put by the honourable gentleman could not apply, unless he was prepared to state that the ruyder had not become deteriorated. It was certainly a very old coin; and the coin to which the Dutch directed their attention chiefly was the ducat, which was exportable, so that the probability was, that the ruyder had become deteriorated—with regard to the third Resolution, he wished to know from the right hon. gentleman the meaning of the word "equivalent" in that Resolution; was it that the denominations were the same?—of this there could be no question; was it that their intrinsic value was the same, or was it that they had the same exchangeable value? Are the two commodities interchangeable? No;—then what was the meaning of "equivalent?" Standard was the measure of equivalency. If the Assay-master, the favourite witness, Mr. Merle, was called and asked as to this point, he (Mr. Huskisson) should wish to put to him two questions only;—first, "Are the dollars and the crown pieces equivalent?" and this he would certainly answer, no. The second question would be—By what process can you make them equivalent? the only reply he could give to this, would be, perhaps, a laugh—because the thing was impossible—they could not be made equivalent. It was absurd to talk of a standard when it could be traced only to a penal law. An equivalent in such a case could only be compared to the story of the Scholars, who, complaining of the diminution of their commons, were desired to get a pair of magnifying glasses, through which to view their allowance. Such was the case with the dollars—Gentlemen had only to view them through a different medium, and they would perceive them to be larger one day than they had been the preceding.

Mr. Manning explained, that the Proclamation as to the rise in the value of dollars would put the Bank to a loss of 6*d.* upon every dollar then in circulation, amounting to several millions in number—a sacrifice of no trifling amount, for the convenience of the public. The Bank was not desirous of continuing those issues; but, on the contrary, would be anxious to withdraw from them whenever the Executive Government found itself enabled to dispense

with the Bank's services. He regretted the Resolution as to the rise in the dollars had not originated in that House. To the Bank it would prove a loss of 50,000*l.* or 60,000*l.*

Mr. S. Thornton stated, that within these two days a banker had put into his hands 500 guineas in gold, requesting to have in exchange for them, from the Bank, tokens to the amount, at the rate of 5*s.* 6*d.* each; and a similar application had been made a few days before for an exchange as between guineas and tokens, to the amount of 300*l.* This was better than any reasoning as to their value could be supposed to be.

Mr. Wilberforce was satisfied the effect of the present discussion would be gradually to lead to true and just principles on the subject; and he was also satisfied that they would be found to be the best friends to the country, who advised, that even in a state of prosperity the present system should not be pushed too far.

Mr. Baring contended that the country was in such a fictitious state as to every part of political economy, that she could not go on with a circulation adapted to legitimate purposes. At the present, however, such was the state of the Continent, and of our trade, that it was impossible for us to bring back the precious metals into circulation. To talk, in this situation, as a right honourable gentleman (Huskisson) had done, of the theories of Locke or Newton, was not more absurd than the reasoning of an honourable gentleman last night, who carried the House back to the days of Moses.

The House then divided:—

For the Resolution	76
For the Amendment	24
Majority in favour of the Resolution,	52

Mr. Horner then proposed his several Amendments to the Resolutions of Mr. Vansittart, not with the view to any discussion, but that they might be entered on the Journals.

The whole of the Resolutions being put and agreed to, the House adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 16.

In the Committee of Privileges on the Berkeley Peerage, the Solicitor General, at considerable length opened the case on the part of the youngest Son, and proceeded to examine several witnesses. The Committee sat from two o'clock till past eight.—Farther proceeding to-morrow.

The £4,900,000 Loan Bill was read a second time, and committed for to-morrow.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 16.

IRISH BREWERS.

Mr. Grattan moved that the Petition from the Irish Brewers, praying that the duty of 2*s.* 6*d.* upon Spirits be restored to the former rate of 5*s.* 8*d.* per gallon, be referred to the Committee of the whole House. He read extracts from several papers, to prove the growing dissoluteness in the manners of the common Irish, in consequence of the cheapness of ardent spirits. He contended also that the tax had failed in point of revenue.

Mr. Shaw (of Dublin) seconded the motion. He said that of the existence of the evils complained of by the Petitioners there could be no reasonable doubt; and when they considered what must be the inevitable consequences of not timely remedying those evils, and also how fatal their longer continuance must be to a trade of such weight and extent as that of the Brewers, it really appeared to him as if the present question was in effect, whether it was for the interest of Ireland that the Breweries in that country should be allowed by the Legislature to exist at all? It ought surely to be a principle in imposing taxes, that as far as it could possibly be done we should avoid injuring the morals of the people. Indeed, in his view of the question, he thought that morals should never be sacrificed to revenue.—[*Hear!*] Since the great reduction of the duties on spirits distilled in Ireland, he believed there was no gentleman who had been for any time in that country

since that period, who must not have been sensibly struck with the rapid and lamented change in the general habits and morals of the lower orders of the people. He spoke from his own knowledge, when he said that that change had been felt among the lower orders of the city of Dublin, to an extent that would of itself be sufficient to awaken the attention of Parliament to this very important question.—And here he could not help saying, that even if the reduction of this tax had had no injurious effect upon the revenue, still we should pause before we made the vices and dissolute habits of the people a source of public revenue—(*Hear, hear!*). But to try it upon its own ground, the right hon. gentleman (Mr. Foster) said, that he reduced the duty in order to suppress illicit distillation. (*Hear! from Mr. Foster*). He put it to the candour of that right honourable gentleman to say, whether it had any such effect? Did not that right honourable gentleman, in introducing this measure to the House, frankly avow that he made it as a mere experiment to suppress illicit distillation? (*here Mr. Foster signified his assent*) and had not that experiment totally failed? and after it had failed, would the right honourable gentleman blindly go on in adhering to a plan which had not only failed of its professed object, but had proved equally injurious to the morals and the revenue of the country?—(*Hear, hear, hear!*)—If, however the right honourable gentleman would persist, he (Mr. Shaw) would not go along with him, believing, as he did, that by resorting to a system of equitable taxation, fairly apportioned between the two trades that deserved of that House every encouragement—he meant the brewer and the distiller—there might be raised upon both, without oppressing either, such a revenue as might fully answer the supplies of the country, without resorting to any further local taxation whatever. This, however, he might say as to the principle he had been recommending, that it had received every sanction from the right honourable the Chancellor of Exchequer for England, who had laid it down as a great rule, in imposing taxes of this kind, that the morals of the people constituted the first consideration; this he had said the day before yesterday, and he trusted it had the due impression upon the Finance Minister for Ireland. With respect to the merits of the question, whether the reduction has or has not been productive of the mischiefs attributed to it, and whether it had or had not altogether failed, were questions which he should

leave to be decided by the testimony of those facts which were already authenticated upon the table of the House. The first fact, as to the failure of the experiment, was, that no stills had taken out licences in the districts where illicit distillation was known to abound, and that little or no spirits had been transmitted into those districts from the licenced distilleries in the other parts of the country. The other statement went to prove the alarming increase of disease, owing to the intemperate use of ardent spirits in consequence of its cheapness. Here Mr. Shaw read the monthly reports of various Hospitals in Dublin and other parts of Ireland, where it appeared that the increase of the numbers of sick admitted, and the number of deaths, in consequence of excessive intoxication, had gone on in such a progressive increase, that the number of sick had doubled, and that of the deaths had trebled, within a very limited period. Upon the whole, as the reduction had not, nor in his opinion could not, do what it professed to do—but as it had already done much to impair the revenue of Ireland, to injure the health and vitiate the morals of the Irish People, the motion for sending it to a Committee should have his cordial support.

Mr. Foster agreed in the practice of the principle laid down by both the gentlemen who preceded him. He should be ashamed to hold his office one hour for the purpose of raising a revenue at the expence of the morals of the Irish people. (*Hear!*) The honourable gentleman (Mr. Shaw) had said, that the reduction was a mere experiment to put down illicit distillation. Certainly that had been its principal object—and an object in the endeavour to effect which he had all those gentlemen with him. Illicit distillation was the great evil, and the higher the duty on the spirits, the greater the premium to the illicit distiller. He had proposed a penalty on the town lands where illicit stills were found; and this mode might have at least put them down, if it had not been for that most unfortunate measure of prohibiting the distillation in Ireland. But the hon. gentleman had contended that the reduction had totally failed in suppressing illicit distillation. In answer to this, he should merely read the returns of the Revenue Officers for the quarter ending December 25, 1810. The amount of seizures were as follows: 572 stills, 378 kegs, 344 worms, 5,362 utensils, 2,800 gallons of spirits, and 150,000 gallons of pot ale. He denied also that the spirits were at present so much cheaper as had been asserted—in 1804 the spirits

were 7*s.* 7*d.* a gallon; in 1805, 6, and 7, about 7*s.* 8*d.*; in 1810, 8*s.* 7*d.*; and in 1811, 8*s.* 6*d.* a gallon. After some further remarks, he said he should not, however, object to the Committee.

Mr. Henry Montgomery spoke in favour of a Committee up stairs.

Sir John Newport said that nothing like false shame should ever keep him from retracting an opinion when he was convinced it was unfounded. The reason which had induced him to vote against the fines on the town lands was, that they had increased to such an extent as to produce a sort of conviction that they could not be levied. He alluded in particular to the county of Cavan. But the great question was, whether or not the low price of spirits had increased the drunkenness and immorality of the people of Ireland; and that this was the case, he would venture to say, would be unanimously declared by those gentlemen who had resided during the last year in Ireland. The drunkenness had increased to such a degree, that no workman would work more than two days in the week. A man could get completely drunk for 4*d.* This was destructive of all good order, and the consequence would be, that a military force would necessary to control the excesses. The Legislature could not be tied up by the licences to distillers. The people were their first care, and the revenue the second.

Mr. Wm. Taylor said it was impossible to raise the duty on spirits in Ireland.

Mr. Hutchinson said that all the great Brewers in Ireland had signed the petition, and therefore it was not to be considered as the petition of a few individuals, but as the representatives of the whole body. The right honourable gentleman (Mr. Foster) had said the prices of spirits were not greater now than in 1807; but he would ask him if the brewer retained the same situation that he then held? While the duty on spirits had been lowered from 4*s.* to 2*s.* 6*d.* was any compensation made to the brewer? What he blamed that right honourable gentleman most for was, that against his own judgment and experience, he had consented to the abolition of fines, and to a total change in consequence of the distillery system. When it could be proved in the Committee that the cause of the late idleness, drunkenness and immorality was exclusively to be traced to the lowering of the duty on spirits, and that its consequence

was also to double the number of patients in the hospitals, and treble the number of deaths, he hoped that no Member of the House would wish that this abominable system should be continued one day longer.

Mr. Foster explained.

Mr. Grattan asked the right honourable gentleman (Mr. Foster) if he consented to a Committee?

Mr. Foster said he had no objection to a Select Committee.

The Chancellor of the Exchequer thought it unfair to ascribe the increased immorality to the reduction of the duty on spirits, if spirits were not lower now than in 1807. It was much more natural to ascribe it to the great reduction of the price which took place on the prohibition to distil being removed. With respect to the hospitals, he had been informed that in consequence of several important improvements which had been made in them, the aversion of the people to them had been in a great measure removed, and the patients consequently increased.

Lord Castlereagh thought that no revenue consideration ought to interfere with the morals of the people. It was certainly the prevailing opinion in Ireland, that the low duties on spirits had occasioned the late increase of drunkenness. Spirits ought to be discouraged, and malt liquor encouraged, and the people of Ireland were beginning to habituate themselves to the latter. There was a time perhaps when spirits might be more suitable to the people of Ireland than malt liquor; but now, when they were better clothed, lodged, and fed, they did not require spirits to warm them.

IRISH PRESS.

Mr. Shaw called the attention of the House to the Petition from the Proprietors of Newspapers in Ireland, for the repeal of an Act of the last Session, imposing an additional duty on Advertisements. That tax had been found not only oppressive, but unproductive, and afforded, therefore, the strongest of all reasons for its abolition. The additional duty came to be levied for the first time on the 16th of July last? The gross produce of the tax on Advertisements for the six months previous to that period, amounted to 14,159*l.* 15*s.* and that for the six months following amounted to 14,930*l.* 17*s.* 10*d.* leaving an apparent increase of 771*l.* 2*s.* 10*d.*; but this increase was more than accounted for by the institution of three new papers, two

of which were published daily, the duty upon advertisements in which amounted to 1,000*l.* 16*s.* 4*d.* so that the duty had in reality been diminished by 259*l.* 13*s.* Much of the amount of the latter period, was for Government proclamations, which were no addition to the revenue. The tax had been found oppressive in the extreme. It was professed to be only two-thirds of the tax on advertisements in England; but this proportion was only for advertisements of less than ten lines; and an Irish advertisement of 300 lines was taxed in a ratio of 20 to 1 more than in England. The advertisement for the Portuguese subscription, for instance, paid in Ireland two pounds fourteen shillings, and would have paid in England only three shillings. The consequence was, that the price of advertising in Ireland greatly exceeded the means of the advertising class. They were reduced to advertise less frequently, to the great detriment of the Irish press. It was also to be kept in mind, that the Irish press laboured under many hardships not felt in England:—1¼ per cent. for instance, was only discounted on stamp-duties in Ireland, while in England the discount amounted to 17 per cent. There was not a man attached to the interests of Ireland, who must not wish it the blessing of an enlightened press. A press, to be enlightened, must first be independent. He greatly feared that this tax, if persisted in, would ultimately endanger the very existence of the Irish periodical press; and as he was satisfied that such never could have been the object or the wish of the right honourable gentleman, he trusted that he would join with him in rescuing it from those evils to which his own ill-judged measures had exposed it. He concluded with moving that the Petition should be referred to the consideration of a Committee of the whole House;—which, after a long conversation between several members, was negatived.

IRISH ELECTIONS.

Colonel Barry moved for leave to bring in a Bill to amend the Election laws in Ireland. The freeholders there were obliged to take certain oaths according to prescribed forms with blanks. Doubts existed amongst the most eminent men of the profession as to the mode in which these blanks were to be filled up. His object was to fill up the blanks in a manner most favourable to the elective franchise. The Roman Catholics had to produce certificates

of having taken certain oaths before they were permitted to poll; and it sometimes happened that through the negligence or corruption of the officer, they lost their votes. He mentioned a case in which 400 voters in one county had lost their votes at an election from this cause; another object was to correct this evil. Leave given.

Mr. W. Pole moved for leave to bring in his Bill for enabling the Judges, at their option, to commute the punishment of transportation, for hard labour and confinement for a period not exceeding the term of transportation.

Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 17.

TOLERATION ACT.

The order of the day being moved for the second reading of Lord Sidmouth's Bill,

Earl Stanhope rose, and hoped that his noble friend would not press the second reading of a Bill of so great importance in so thin a House. The Bill embraced considerations of the greatest magnitude respecting religious liberty, and ought to receive a full and serious discussion. The Bill professed to state the law respecting Toleration; but he would maintain, that there was in it a proposition contrary to the law of the land, and which, he was certain, that no lawyer with a gown on his back would deny to be so.

Earl Grey considered the Bill as one of the greatest importance. That part of the kingdom, which he, from local knowledge and residence, was best acquainted with, abounded with different sects; and he took the opportunity to state, that he knew well that no persons were more warmly and sincerely loyal, or better attached to the constitution of the country. There certainly would not be time for such persons, if they thought fit to petition against the Bill, to do so, if it proceeded rapidly. It was, in every respect desirable, that proper time should be given for the public consideration of such a measure; a measure which, he thought, under all the circumstances of the present times, had been better avoided altogether.

Lord Sidmouth said, that he had already agreed to a

suggestion for postponing the discussion to the period for going into the Committee: therefore he had no intention to press it now; as in consequence of that understanding, many noble lords were not present. With respect to sufficient time for considering the nature and object of the measure, he had only to observe, that he had mentioned the subject, and given notice of his intentions during the two last sessions. He had corresponded with serious persons upon the subject; and he had understood from those who were concerned in the enactment of such a Bill, their concurrence in its objects. It was possible that they might have changed their minds; but that was not a sufficient reason for him to delay bringing it forward. The noble Lord then moved, that the Bill be read a second time on Tuesday next.

Earl Grosvenor made a few observations on the object of the Bill. His Lordship would be the very last man to impair, or to infringe upon the Act of Toleration; but he thought, that the conditions which were imposed on those of the established Church ought not to be wholly disregarded with respect to all others. He was convinced, that the noble Viscount had no views unfavourable to toleration. What the noble Viscount proposed was, in his opinion, perfectly consistent with that Act, explained as it was in the noble Viscount's former speech; though, perhaps, there were some clauses in the Bill that would require amendment. In other respects he conceived its tendency to be generally useful.

Earl Stanhope adverted to the present state of progress in Lord Redesdale's Bill, which must be postponed if the noble Viscount's Bill came to the second reading on Tuesday. This would be, perhaps, great injustice. That Bill had opened the prospect to the debtors of this country of being relieved; and if it were postponed, and ultimately lost, there might not be time enough to do what he thought, after what had passed, ought to be done, namely, the passing of an Insolvent Act this Session. Their Lordships must see to what a predicament they might be driven by delays. On Tuesday there would be the Berkeley Peerage, &c. to attend to before this Bill. He thought his noble friend's (Lord Sidmouth's) Bill ought to be deferred. The noble and learned Lord who had introduced the Bill respecting the Debtor and Creditor Law, had, as yet, made no convert to it, either from among those who approved its principle, and objected to its clauses, or those who disliked

that principle. It did therefore require discussion, but did not admit delay.

Lord Redesdale entered into some explanation with respect to the state of the Bill he had proposed; which, whether it were fit or unfit to pass, ought to be discussed without delay. But he acquitted the noble Viscount of interrupting its progress, he himself having agreed to the proposition for the second reading of the Viscount's Bill on Tuesday. His Lordship then urged several topics in defence of the principle of the noble Viscount's Bill. A similar measure had been proposed, with some differences, when he held an official situation, and when he prepared a Bill, though it was afterwards given up, from causes he could not explain; but from all he heard, the measure then met with general approbation.

Lord Sidmouth did not wish to press the Bill with unnecessary haste. He considered its object to be the strengthening of that respect in which religion ought always to be held, and not the infringement of toleration.

The Bill was then ordered to be read the second time on Tuesday next, and the Lords were ordered to be summoned for that day.

The House then adjourned to Monday.

HOUSE OF COMMONS.

FRIDAY, MAY 17.

IMPRISONMENT IN IRELAND.

Mr. Sheridan presented a petition from Mr. St. John Mason, a gentleman in Ireland, who had been confined in prison for some time. He understood there would be no objection to its lying on the table, which was the only motion he should make on it at present. The petition was brought up and read, and stated, that the Petitioner was a Barrister in Ireland; that in the year 1803 he was arrested on the circuit by order of the Government, and was by the authority of Mr. Wickham committed to Kilmainham gaol, where he had been very rigorously confined for two years; that during that time he had frequently made application to Lord Hardwicke to permit him to have a trial, and since his release had done the same, but he could never obtain any hearing whatever; that he thought the

rights of every subject of the empire had been injured in his person; and as he had not been able to obtain redress elsewhere, he humbly applied for it by petition to this honourable House, and hoped they would afford him relief.

Mr. W. Pole said, that with respect to the allegations of the petition, as far as he was instructed, he believed it would be found that the petitioner had been detained on very just grounds. He had, however, no objection to the petition lying on the table.

Mr. P. Moore said this was a hard case; the unfortunate gentleman whose petition this was, had suffered greatly in his character, as well as by his confinement: and all he wished or desired was, that he might have an inquiry into the transaction, in order to clear his character.

Mr. W. Pole said, the petitioner had been taken up on secret information, which could not be disclosed without, perhaps, danger to the State. If, therefore, an inquiry was granted, it must be a secret inquiry; and how such a proceeding would tend to clear his character he could not tell. He understood the circumstances alledged against him were such, that if Lord Hardwicke had not caused him to be arrested, he would not have done his duty.

The petition was ordered to lie on the table.

SEATS OF MEMBERS.

Mr. Thompson gave notice, that he would early in the next Session move for leave to bring in a Bill to vacate the seats of Members of that House who should be proclaimed bankrupts, and who should not pay their debts in full within six months from the date of the Commission.

INTERCHANGE OF IRISH AND BRITISH MILITIA.

Mr. Secretary Ryder brought up the Bill for allowing the interchange of the Irish and British Militia.

On the question that it be read a first time,

Lord Temple said, he was sorry he was obliged to oppose the first reading of this Bill. If he had not been prevented from being present, by the illness of a near relation, on the evening when the right honourable gentleman moved for leave to bring in a Bill, he should then have decidedly stated his objections to it. He now opposed it on the ground that it gave to his Majesty a power which he did not before possess over the Militia, that it would render the men independent of the Officers, and destroy the dis-

cipline of the Militia; that it would cause many gentlemen who were great friends to and supporters of the Militia to resign their commissions, because their own private concerns would not allow them to go to Ireland, and thus force gentlemen out of the service who would wish otherwise to remain in it. Again, he objected to it because it must cut up the means of recruiting the regular Army; and by raising the price of substitutes for the Militia, would render the ballot more difficult and almost impossible to be filled, and thus create a heavier tax on the counties. It must also add to our burthens by increasing the provision to be made for the wives and children of Militia men. On these general grounds, without entering into details, he opposed the Bill being read a first time.

Mr. Secretary Ryder contended, that the Bill was no breach of faith: if it could not be proved so important as he thought the measure, he would give it up: he denied it would have any of the effects imputed to it by the noble Lord; and that when the Militia Officers came to read and consider the Bill more maturely, they would find, that though an extension of services, it was not nearly so much so as had been imagined. And though no man would more regret than himself that any officer at present in the Militia should leave it on that account, yet the measure appeared to him of that magnitude and importance that he must, however reluctantly, persist in it. He hoped, therefore, the noble Lord and the House would agree to the Bill going on, as he was sure they would find, on reading its provisions, that they were not so objectionable as they now seemed to apprehend.

Colonel Bastard expressed his disapprobation of it. He thought it was the worst kind of breach of faith that could be imagined. If the House were to disband the Militia, and to say we have no farther occasion for you, the officers of that establishment could not, as Militia Officers, find fault; but to change the very nature of their service, and send them out of the country, was a direct breach of faith. It was ridiculous to talk of their volunteering. For his own part he would not volunteer, yet he would hold his situation till the resentment of the Crown should shew itself on that account. If the House added this to the many former instances of ill treatment of the Militia, he was afraid it would be productive of many ill consequences.

Sir J. Newport wished to know if the right honourable

gentleman intended to bring in a clause, allowing the Irish Catholic Militia-man sent here to go to his own place of worship.

Mr. Secretary Ryder said, he did not mean to introduce any such clause; because when the Bill was brought in, it would be found that the Irish Catholic Militia-man would, in that respect, be under the same circumstances here as he was in Ireland.

The Bill was then read a first, and ordered to be read a second time on Thursday next, and to be printed.

On the motion of Sir Francis Burdett, an account was ordered of the proceeds of the Dutch East-Indiamen captured in 1793; and placed under the care of the English East-India Company; as also an account of the Ships and Vessels belonging to his Danish Majesty seized and condemned at and previous to the actual commencement of hostilities.

PROPERTY OF FOREIGNERS IN THE FUNDS.

On the Chancellor of the Exchequer moving that the House should resolve itself into a Committee of Ways and Means,

Mr. Hoxorth rose, pursuant to notice, to move that an account of the Property of Foreigners vested in our funds should be referred to the same Committee. It appeared to him most unjust, that Foreigners should receive a higher rate of interest for their money than the natives of this country. He remembered that the argument upon which Foreigners were originally exempted from paying the same tax as natives, was, that by the existing laws the dividends on stock were to be paid without any tax or diminution whatever. From thence it was argued, that Government could not, without a violation of the public faith, lay any tax upon the funds; but that the stoppages made on the dividends of subjects of this realm ought not to be considered as a tax upon funds, but a tax upon their income. When the present tax was imposed in the year 1803, Mr. Pitt opposed it generally; but admitted that it would be no violation of public faith, to require Foreigners to pay something for the protection of their property in this country. It should always be recollected, that Government had never dealt with Foreigners, in contracting for loans. After the loans were disposed of, and the stock was in the market, Foreigners might buy if they thought proper, but were certainly not entitled to any partiality, and were as much

bound by every principle of justice to contribute for the protection of that property as for any other property they might choose to acquire in this country. He thought it most evident, that as loans were never contracted with Foreigners, there could be no faith pledged particularly to them. If they chose to buy a property which was in the market, they should take it at the same terms as other people. He thought this strange partiality to Foreigners was a manifest injustice to the people of this country.

Mr. Baring thought that Foreigners were entitled to the exemption, on the principle of their not being taxable persons, and not liable to our income tax. The stoppages which were made on other dividends, was not because a tax was imposed upon funds, but upon income.

The Chancellor of the Exchequer did not deny that it was his opinion, that if this was entirely a new question, there would be no impropriety in subjecting the property of Foreigners to this tax; but as this was a question which had been discussed over and over again, and as Parliament had always decided in favour of the exemptions, he thought it would be a breach of faith, if they should now, without any notice, lay a tax upon that property which Foreigners might have vested here on the faith of those parliamentary decisions in favour of the exemptions. After having so long recognized the principle, if we were now suddenly to depart from it, the enemy would suppose that we were driven by the pressure of the times to lay hold of property which had been spared hitherto from our notions of honesty. He thought that if Parliament did resolve upon the principle of taxing the property of Foreigners in the funds, they should at least allow sufficient time for them to withdraw, if they liked, that property which was perhaps, vested there merely on their reliance that it would not be taxed.

Sir T. Turton thought that it was of much more consequence that the people in this country should believe that no injustice was done to them, than any appearance which the thing might have to the enemy. That enemy must judge very ill, if he could suppose that in a war of such vast expence as the present, we felt any absolute necessity of getting hold of 60,000*l.* which is all that this tax would amount to.

Mr. Pole Carew supported the exemption in favour of Foreigners, and wished that Parliament would pledge itself by a resolution never to disturb it.

Mr. Howorth then replied. Every thing that he had heard in favour of this exemption only strengthened his idea of the injustice of it. Foreigners did not contract loans, or lend money to Government. They only bought stock at the market for their own private advantage. He partly agreed with the Chancellor of the Exchequer, that it might be better to give notice of the time when this partiality to Foreigners was to cease; but he pledged himself, while he continued a member of that House, to bring the subject annually before their consideration until the people of this country had justice: for the present he begged leave to withdraw his motion.

PROCEEDINGS IN CHANCERY.

Mr. M. A. Taylor, in rising, observed that he should not be deterred by the appearance of the House from stating the reasons why he persevered in pressing the motion of which he had given notice upon its attention. It was now nearly a year and a half since he had first mentioned the subject in that House, and scarcely a step had been yet taken to remedy the evil to which his motion referred. The evil he must say was great and tremendous, and in bringing it before the House he could have no sinister motive whatever. He did not mean to trench upon the abilities and character of the noble Lord who presided in the Court of Chancery. The honourable and learned member then detailed the steps by which he had proceeded with this business, and affirmed, that if rumour was correct, the remedy proposed in another place (the House of Lords) would not be effectual. The creation of an additional Master of the Rolls would not cure the defects in the appellant jurisdiction. He denied that the business in the Court of Chancery had greatly increased since the time of Lord Hardwicke. The average number of bills filed in that court, from the year 1761 to 1766, inclusive, was 11,839; the average from 1800 to 1806, both inclusive, was 10,084; so that the business had not increased. After stating some other defects in the present system of the practice in the Court of Chancery, the hon. and learned gentleman said, that his wish was, that a Committee be appointed to inquire into the causes that retained the progress of writs in the Court of Chancery, &c. and to search the Lords' Journals respecting the number of appeals. He therefore concluded by moving, "that a Committee be

appointed to inquire into the causes that have retarded the decision of causes in the High Court of Chancery."

The Chancellor of the Exchequer agreed as to the enormity of the evil complained of by the honourable and learned gentleman; but as an inquiry had been instituted in another place, and a report upon the subject was shortly expected, he felt himself justified, out of respect to the other House of Parliament, to move the previous question.

Mr. H. Martin was surprised to find the motion of his honourable and learned friend met by the previous question. Before such a motion should be got rid of in that way, he thought that some specific plan, calculated to correct the evil complained of, ought to have been stated by the right hon. gentleman to the House.

Mr. Lockhart objected to getting rid of a question, in which the public was so much interested, in any way which could be construed into any inattention to its concerns; he should therefore move, that the debate be adjourned for a week.

The Chancellor of the Exchequer had no objection to an adjournment of the debate to Thursday next, and withdrew the previous question.

Sir S. Romilly wished to deliver his sentiments on this subject. It was now nine weeks since the subject had been brought forward by his honourable and learned friend, and the only answer given to him was, that a report was shortly to be made on the subject by a Committee of the other House of Parliament. If the question was to be brought by such report under the consideration of that House, that was a ground why the motion of the honourable Member should be agreed to; and that House should inquire into the evil, and the efficacy of the remedy. The honourable and learned Member then entered into a review of the nature of the remedy proposed, and declared, that the House was bound not to consent to any measure which would have the effect of altering the character of the high office of Lord Chancellor, and disturbing the established judicial principles of equity in the Court of Chancery. If the evil which had grown up within the last ten or twelve years was but temporary, it ought not to be provided for by a permanent remedy; nor should a Vice-Chancellor be created to the increase of the patronage of the Crown, whose office, after

three or four terms, would become a sinecure. He should therefore vote against the adjournment.

Mr. M. A. Taylor replied; and after a few words from Mr. Pole Carew and Mr. Ponsonby, the House divided—

For the Amendment . .	40
For the Motion . . .	19
Majority . .	21

The other orders of the day were then disposed of, and the House adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 20.

IRISH CATHOLIC PETITION.

Mr. Grattan presented the Petition from the Irish Catholics; on which he observed, he would not trouble the House by saying any thing at present, farther than that it do lie on the table. An honourable friend of his had already given notice, that he meant to move its being taken into consideration on Friday, the 31st instant.—Ordered to lie on the table.

Sir Francis Burdett moved for an account of all ships condemned as prize in the Admiralty Court since 1793; distinguishing the names of the ships, and to whom they belonged, together with the amount of each cargo. He also moved for an account of all ships condemned as prize in the Vice-Admiralty Court as droits of the Crown, and of the Lord High Admiral, distinguishing dates, &c. Both the motions were agreed to.

COMMITTEE OF WAYS AND MEANS.—BUDGET.

The House having resolved itself into a Committee of Ways and Means,

The Chancellor of the Exchequer rose, and said, that having entered into a contract that morning for a Loan for the service of the present year, it became his duty to submit, for the approbation of the Committee, the terms upon which he had negociated it, and which he trusted would appear to the Committee highly advantageous for the pub-

lic. But before he should bring under the consideration of the Committee the terms upon which the Loan had been obtained, he felt it necessary, according to the ordinary practice upon such occasions, to state clearly and distinctly the various sums which had already been voted in the shape of Supply, and the various Ways and Means by which, according to his judgment, the charges for such Supplies ought to be met and provided for. He should begin, therefore, by stating the Supply voted:—

For the Navy, exclusive of Ordnance . .		£20,276,144
For the Army, including Barracks and Commissariat .	£14,209,431	
Ditto, Ireland	3,293,421	
Extraordinaries, England .	3,200,000	
——— Ireland . .	200,000	
Unprovided Extraordinaries, last year	627,096	
Making a total for the Army ———		21,269,948
Ordnance		5,012,373
Miscellaneous already voted, and to be voted, including Irish Permanent Grants . .		2,050,000
Vote of Credit		5,000,000
Ditto for Ireland		200,000
Sicilian Subsidy		400,000
Portugal		2,100,000
Total joint charge		£54,308,453

But before he should proceed farther with the enumeration of the items of Supply, he felt it necessary to make one or two observations upon the subject of the Sicilian subsidy, and to throw himself upon the indulgence of the Committee for an inadvertent omission of which he had been guilty respecting that vote. The Committee would recollect, that when he proposed the vote in the last session for the Sicilian subsidy, he founded his application not alone upon a Treaty then subsisting, but upon one at the time in a state of progress, which, as soon as it should be received in this country, he pledged himself should be laid before the House.—That Treaty had been received during the recess; and when he proposed the vote on a former day for the Sicilian subsidy, he thought that the Treaty had been laid upon the table. It was not till within a few days that he discovered his mistake; and as he should be able within two or three

days to lay it before the House, he trusted he should be pardoned for the unintentional omission of which he had been guilty. The joint charge for the Supplies which he had already enumerated, was, as the Committee would recollect, 54.374,485*l.* The separate charge for Great Britain was for Loyalty Loan, 1797, 113,416*l.*; interest of Exchequer-bills, 1,600,000*l.*; total, separate charge, 1,713,416*l.*; making in all a total charge of 56,021,869*l.* If from this be deducted the sum of 6,569,000*l.* there will remain to be provided for the service of Great Britain 49,452,869*l.* He came now to state the Ways and Means by which he proposed to meet these various items of Supply. The first article he should mention was the amount of the annual taxes, which he took at the usual sum, 3,000,000*l.*; surplus of the produce of the Consolidated Fund last year, over its estimated produce, 1,363,780*l.*; surplus of the Consolidated Fund for the present year, estimated at 5,000,000*l.* Before he should go into explanations, he conceived it would be desirable for him to state all the items; after which, he should take occasion to enter into a detailed consideration of any articles which might seem to require explanation. The War Taxes he should take at 20,000,000*l.*; Lottery, 300,000*l.*; Exchequer-bills, part of the seven millions which had been funded this session, 4,000,000*l.*; the remaining three millions not being to be re-issued, but to be set against the vote of credit of last year; the vote of credit for the present year, 3,000,000*l.*; Loan in the Five per Cent. Stock, 4,981,300*l.*; in the Three and Four per Cents. 7,500,000*l.*; making together, 12,481,300*l.*; Naval Stores, 420,364*l.*; making a total of Ways and Means of 49,555,379*l.*; giving an excess of 102,000*l.* above the supplies of the year. He should now, with the permission of the Committee, proceed to state the grounds upon which he was led to estimate the surplus of the Consolidated Fund for the present year at five millions. The produce of the Consolidated Customs he had, upon an average of the two preceding years, estimated at 4,448,533*l.* but they had actually produced 4,987,391*l.* being an excess of the produce above the estimate of more than 500,000*l.* Taking the two last years average as the basis of his estimate for the present year, he felt himself warranted in taking the produce of the Consolidated Customs at 5,000,000*l.*— The Consolidated Excise, upon the average of the two preceding years, he had last year estimated at 16,830,625*l.*;

whereas, in point of fact, it had produced 17,399,312*l.*; upon the average, then, of the last two years, he felt justified in taking the Excise for the present year at 17,167,000*l.*— In each of these two items of the Consolidated Fund Revenue he estimated, according to the scale supplied by their progressive improvement, an increase of full 200,000*l.*— The Assessed Taxes had produced last year 5,781,831*l.*; and it could not be thought, therefore, too much to estimate their produce in the present year at 5,800,000*l.* The produce of the Stamp Duties he estimated at 5,300,000*l.* though it had actually in the last year amounted to 5,302,000*l.* And in this place, he trusted he should be allowed by the Committee to advert briefly to the circumstances which took place last year, when he had submitted to the House his view of the probable produce of these duties. It would be recollected, that in consequence of the very abundant increase which had taken place in the produce of these duties, particularly from some additions and regulations which he had himself suggested in a former session, he was enabled to defray the whole charge for the loan of the year without having recourse to any new taxes, out of the excess of these duties, without any reduction of their ordinary amount. At the time he had submitted a proposition for that purpose, and submitted an estimate of the probable produce of these duties, after defraying the charge of the loan, he had been accused of being too sanguine, and told that the increase in the preceding year was an extraordinary excess, and would not warrant any rational expectation that the duties would continue to be equally productive in any subsequent year. The estimate which he proposed last year was 5,193,000*l.* but the actual produce of the duties amounted to 5,302,000*l.*; and with such a confirmation of the propriety of his former statement, and the steady productiveness of the Stamp Duties, he hoped he should not be thought too sanguine in calculating the produce for this year at 5,300,000*l.* The revenue of the Post-office he had estimated last year at 1,276,000*l.* This year he proposed to estimate its produce at 1,280,000*l.* But, in passing, he could not omit to notice the gradual and progressive improvement of this branch of the revenue. In the year ending the 5th of April, 1809, the Post-office Revenue produced 1,083,000*l.*; in 1810, 1,194,000*l.*; and in the year ending the 5th of April, 1811, 1,276,000*l.* Thus it appeared that this branch of the revenue had within the last three years been improved to the

extent upon an average of 90,000*l.* a year; and that without any addition of duties, but by the natural growth of the revenue, in consequence of the augmented and increasing business of the nation. This increase was the more satisfactory, because if it should be the pleasure of the House to grant any relief to the persons in whose behalf his noble friend (Lord Binning, we suppose) had presented petitions with respect to tolls on mail-coaches in Scotland, that relief might be conveniently afforded out of this growing produce of the Post-office duty. The duty on Hawkers and Hackney Coaches, together with all the other items of the income of the Consolidated Fund, he estimated at the same amount as last year; so that the whole estimate of the produce of that fund would amount in the present year to 36,317,000*l.*; to which was to be added the sum of 2,246,000*l.* transferred to the Consolidated Fund from the War Taxes, which would make the total receipt 38,563,000*l.* The charges upon this fund he estimated the same as last year, 3,291,300*l.* which, deducted from the total receipt of 38,563,000*l.* would leave a balance of 5,649,000*l*; so that, in taking the estimated surplus for the present year at five millions, he would leave an excess of balance of 649,000*l.* applicable, either to cover any unexpected deficiency, or to be carried to the service of a future year.—But he had to state to the Committee still farther reasons for his estimating the surplus for the present year so high as 5,000,000*l.* The actual surplus last year amounted to 5,753,750*l.* being a much larger surplus than had been produced in any preceding year since the year 1803.—When the Committee considered the circumstances in which the country had been placed whilst this surplus had risen to such an amount, he was persuaded that it would not appear to any honourable Member that he had taken too sanguine a view of the probable produce of the fund in the estimate he had submitted. The next item he had to bring under consideration was the estimated amount of the War Taxes, which he felt justified in taking at 20,000,000*l.* The grounds upon which he formed this calculation he would proceed to explain to the Committee. The average produce of the War Duties, of Customs and Excise, for the last three years, was 9,296,803*l.*; it amounted in the last year to 9,727,213*l.* He should take the average of three years as the estimate; to which was to be added, 400,000*l.* due from the East-India Company, on account

of these duties, and the whole estimate would then be 9,696,805*l.* The produce of the Property Duty on the 5th of April, 1811, was 11,800,000*l.* being 400,000*l.* more than he had estimated it last year, though it was less than had been received in the preceding year, in consequence of the large amount of arrears received in that year. There was at present outstanding and due as arrears of the Property Duty, from the year 1804 to 1810, a sum of 2,086,968*l.* which could not be considered any large arrear upon a revenue of such an amount. The net assessments, as he had already observed, amounted on the 5th of April, 1811, to 11,800,000*l.* of which 4,864,267*l.* had actually been received, and 6,985,733*l.* was still to be received; which, with the amount of arrears since the year 1804, made an amount of arrear to be received of 8,622,000*l.* If this sum be added to the assessment for the present year, of 11,800,000*l.* the whole would amount to 20,422,000*l.* If from this aggregate was to be deducted the arrear for last year of 6,985,733*l.* it would leave an amount of 12,886,267*l.* to be received in the present year. Add to this sum the estimate of the produce of the Excise and Customs, 9,696,000*l.* and the whole amount would be 22,592,000*l.*; from which, deducting the 2,300,000*l.* already pledged to the Consolidated Fund, and there would remain 20,290,000*l.* to be received for the service of the present year. In taking the produce of the War Taxes, therefore, at twenty millions, the Committee would perceive that he estimated it short of what he might be warranted in doing, according to this view of the case.—Having disposed of these two heads of the Supplies and Ways and Means, he came next to state to the Committee the terms upon which he had contracted for the Loan, and the Ways and Means by which he proposed to provide for the charge to be created thereby. The Committee was already in possession of the terms upon which a Loan had been in a former part of the Session effected, and Exchequer-bills funded to the amount of twelve millions in the whole. The amount of capital stock created by these operations was 12,244,711*l.*, the charge for interest 622,335*l.*, the amount of Sinking Fund 124,447*l.*, and charge of management 3,753*l.*: making in the whole a charge to be provided annually of 760,416*l.* The Loan which he had contracted for that day would require an annual charge of

465,403*l.* 10*s.* The Loan had been effected in the Three per Cent. Reduced, the Three per Cent. Consols, the Four per Cents. and the bidding taken in the Long Annuities. The terms were, for every 100*l.* subscribed, the contractors were to have 100*l.* Three per Cent. Reduced, 20*l.* Three per Cent. Consols, 20*l.* Four per Cents. and 6*s.* 11*d.* in the Long Annuities. The nature of this contract, and the terms upon which it had been effected, would be best appreciated by the Committee, if he were to state the money value of the stock, taken according to the prices of the respective stocks in the day preceding the contract. At 64¼, 100*l.* Three per Cent. Reduced was worth 64*l.* 2*s.* 6*d.*; at 65¼, 20*l.* Three per Cent Consols, was worth 13*l.*; and 20*l.* Four per Cents. was worth, at 80¼, 16*l.* 6*s.* making together 93*l.* 3*s.* 6*d.*; to which was to be added, the money price of 6*s.* 11*d.* Long Annuities, which, at 17¼ years' purchase, was 5*l.* 18*s.*; so that the whole amounted, for every 100*l.* subscribed, to 99*l.* 1*s.* 4*d.* There was, however, a discount for nine months, from the date of the engagement, of 3*l.*, which would give a bonus to the contractors of 1*l.* 1*s.* 10*d.* These were the terms upon which he had contracted for the Loan; and he apprehended, that under all the circumstances of the times, it could scarcely have been expected to be obtained on more favourable terms. He had, however, the satisfaction to acquaint the Committee, that the gentlemen who had taken the Loan were not likely to lose by it, as he understood that it was already at a premium of one and a half per cent. The calculation upon which those gentlemen had acted, was, that from the present state of the Funds, there was rather a rise to be expected than any fall to be apprehended. The interest upon this Loan was 355,937*l.*, the charge for Sinking Fund 106,122*l.* and charge for management 3,344*l.*, making a charge in the whole of 465,403*l.* Add to this the charge on the sum borrowed in the Five per Cents. and Exchequer-bills funded, 760,416*l.* and the whole charge to be provided for this year would be 1,215,819*l.* It might be satisfactory to the Committee to be informed, that the total charge per cent. on the Loan, was 6*l.* 4*s.* 1¼*d.*, that on the twelve millions borrowed in the Five per Cents. and on the Exchequer-bills funded, was 6*l.* 5*s.* 0¼*d.* The rate of interest upon the Loan was 4*l.* 14*s.* 11*d.*, the rate of interest upon the former twelve millions, 5*l.* 3*s.* 8¾*d.* Though there appeared this

difference between the rate of interest upon both, if the amount of the Sinking Fund upon each were considered, it would be found, that very little difference indeed existed between them. Here he must be allowed to express the satisfaction he felt at having been able to obtain so large a portion of the sums wanted for the service of the year in the Five per Cents. He must recall to the recollection of the Committee, how he had persevered even with an appearance of pertinacity in pressing this measure. The House would be gratified to find, in consequence of the steadiness with which the Five per Cents. maintained their value, with how small a difference a larger sum was raised in that stock this year than last year. When the sum raised in the Five per Cents. last year was only 8,500,000*l.*, the charge created upon it was 6*l.* 4*s.* 7½*d.*; whereas, upon 12,000,000*l.* raised in the present year, the whole charge was but 6*l.* 5*s.* 0½*d.* being only 5½*d.* per cent. more than the charge of last year. This arose from the Five per Cents. not having any depression correspondent to that which the Three per Cents. had undergone. The difference was greater between the charge on the sums respectively raised in the Three per Cents. in consequence of the alteration in the price of that stock. Last year the charge had been 5*l.* 13*s.* 3*d.*; this year it was 6*l.* 4*s.* being about 10*s.* higher. He felt the more satisfaction in the advantage derived from borrowing in the Five per Cents. because it confirmed the policy with which, with a firmness which might have been construed into obstinacy, he had persevered in his determination to take a large portion of the loan in that fund. It now remained for him to put the Committee in possession of the Ways and Means by which he proposed to provide for the charge which he had just explained to the House. But before he should proceed to that part of the question, he thought it might be as well for him to state his intention to abandon a tax which had already been some time in existence. The tax he alluded to was that upon hats. (*Hear! hear!*) Ever since he had been in office, he had found that this tax was the uniform subject of complaint, and eternally represented as productive of great inconvenience to the fair dealer. In giving it up, which it was now his intention, he would acknowledge that he did not propose to give up much; because, though the tax, when first laid on had produced 60,000*l.*, it had since gradually fallen off.

In 1809, it produced 38,000*l.*; in 1810, 31,000*l.*; and in the year last past only 29,332*l.*; so that when this decreasing ratio was taken into consideration, it would be obvious that he was not abandoning a productive tax, but releasing the subject from an inconvenient duty, which was gradually wearing itself out. But, independent of this consideration, it was desirable, in consequence of the injury and inconvenience it produced to the fair dealer, to withdraw a tax which was so obviously evaded. It was not to be supposed that people did not now wear as many hats as formerly; and as persons must have been ready as well to sell as to purchase hats without paying the duty, the revenue was defrauded, and the fair dealer, who was too honest to evade the law, was the sufferer. Under these circumstances, therefore, he thought it desirable to give up the tax; but before he could abandon it altogether, he had felt it his duty to consider whether he could not lay it on the article in some other shape, so as to guard against its evasion. Upon the best consideration which he had been able to give the subject, he believed that impossible. The House would recollect, that a tax of a similar description had been formerly given up for the same reason; and when it should be generally known that the taxes on hats and gloves were given up as impracticable and unproductive, he trusted the intelligence would not be thrown away upon those gentlemen, who, in their anxiety to assist the Chancellor of the Exchequer in discovering new objects of taxation, honoured him with their communications. He could assure the Committee, that there was not an article of dress, boots, shoes, leather breeches, &c. nor an article of furniture in a house, locks, keys, bells, &c. which had not been frequently recommended (no doubt, from the best motives) as objects of taxation. If the fact of giving up this tax should have the effect of putting a stop to communications of that description, it would save the Treasury from much inconvenience. He came next to a part of his duty which was, on all ordinary occasions, the most irksome and painful to one holding the situation he filled, that of proposing the means of covering the charge. But he had the satisfaction to state, that it would not be necessary for him to submit any new taxes for the adoption of the Committee; the House having already voted not only sufficient to defray the charges of the present year, but a much greater amount

than would be required for that purpose. He was happy to say, that in consequence of the sums voted in the present Session, he would have no occasion now to propose any new tax. The Duty on Spirits alone would amount to 751,000*l.* a sum equal to the charge created by the 12 millions funded in the Five per Cents. The duties on Foreign Timber, Cotton-wool, Pearl and Pot-ashes, and Foreign Linen, would amount to 866,600*l.* which he meant to apply to the War Taxes. The following was the estimate:—

British Spirits.—The produce of the Duty on British Spirits, in the year ending 5th of April, 1811, was	*L.*2,505,448
Add the amount of Duty due from the Customs in Scotland, and unpaid for the same year	360,000
	*L.*2,865,448
Upon which the additional duty of 19*l.* 4*s.* 7*d.* per cent. would amount to . . .	551,000
Foreign Spirits.—The additional Duty of 12½ per cent. upon the present Excise Duties on Foreign Spirits (exclusive of Rum) which produced 1,580,000*l.* in the last year, would amount to about . .	200,000
Making together . .	*L.*751,000
Timber.—Double the amount of the present Duty, on the average of the last two years	622,000
Cotton-wool.—From the American States and other parts (exclusive of British and Portuguese Colonies), being the average of the last six years, 35,304,000 lb. per annum, at 1*d.* per lb.	147,100
Pearl and Pot Ashes.—Except from the British Colonies, on an average of six years, 111,000 cwt. at 4*s.* 8*d.* per cwt. . .	25,900
Foreign Linen.—In proportion to the quarter ending 5th of January, 1811, when the Duty first had full effect . . .	71,600
	*L.*866,600

These Duties are, of course, subject to such diminution as may be occasioned by the discouragement which they are intended to produce.

The annual charge created by the twelve millions funded was 750,416*l.* 2*s.* 2*d.* The amount of the additional duty on spirits was 751,000*l.* The annual charge on account of seven millions and a half in the Three and Four per Cents. was 470,000*l.* This sum he proposed to charge upon the War taxes; but it was to be recollected, that by the taxes on foreign timber, cotton-wool, &c. he had added above 800,000*l.* to those taxes, which justified him in taking 400,000*l.* from them. He had now to submit a very important point to the consideration of the Committee. His right honourable friend (Mr. Foster) would, when his statement was finished, present an Irish Budget, in which new taxes would be pointed out for the interest of the two millions and a half which were borrowed in Ireland; but for the four millions and a half borrowed in this country for the service of Ireland, his right honourable friend was not now prepared to propose taxes in the present embarrassed state of the Irish revenue. He should, therefore, now propose, that the interest of this four millions and a half should, in the first instance, for the security of the creditors, be charged on the Consolidated Fund of England. He trusted that no English Members would feel the smallest repugnance to giving this accommodation for one year, at least, to Ireland, considering her present embarrassments, and the comparative abundance of the finances in this part of the United Kingdom. This would afford a great temporary accommodation to Ireland; and in the hope that Parliament would agree to it, he had forborne to take credit for the whole surplus of the Consolidated Fund, leaving a sufficient part of it to pay the charges on account of this four millions and a half. He hoped that this arrangement would be received on the part of Ireland in the way that it was meant, as originating from a sincere desire to render every accommodation to that country which the superiority of the financial situation of England allowed her to give. Those new taxes which were voted this Session, and which he proposed to be added to the War taxes, had been voted by the House, not with a view of revenue, but for the advantage of British shipping, to favour the growth and pro-

duce of our own manufactures and colonial produce. In order to show the general increase of our revenue and affluence, he should state some increases which had taken place in our Customs and Excise, and in the consumption of tea, wine, tobacco, and other articles of general consumption. For the year 1807, the Customs were 9,612,000*l.*; for the year 1808 and 1809, they fell something below that amount; but for 1810, the Customs amounted to 10,575,000*l.*; and for the year ending 1811, they amounted to 10,523,000*l.*, which exceeded by a million the average of the years 1807, 1808, and 1809. The duties on Excise also for the last year exceeded by a million the average amount of those three years. The consumption of tea had also increased last year above the average of those years, which was 2,844,000 pounds, whereas that of the last year was 3,236,000 pounds, notwithstanding that the reduction of the duty on coffee would naturally be supposed to produce a diminished consumption of tea. He knew no possible mode of accounting for this increased consumption, but in the increasing population and opulence of the country. As to wine, for the years 1785, 1786, and 1787, the average yearly consumption was 14,800 tuns, although the duty was then only 80*l.*; whereas now that the duty is 95*l.* a tun, the average annual consumption for the last three years has been 23,726 tuns. He then showed that there had been a nearly similar increase in the consumption of tallow, although the consumption of oil was also increased. As to the consumption of tobacco, it had nearly doubled in the same time. For the three years ending 1787, the average consumption of it was 6,700,000 lb. but for the three last years it was 12,491,000 lb. When he thus saw not only our revenues, but the consumption of all the necessary articles of life, so regularly increasing, he could not have the least doubt but that the country was regularly and progressively advancing to a greater height of prosperity and affluence. Indeed, it was impossible for any one to move in this country without being convinced that its wealth was increasing. He thought it unnecessary to detain the Committee with any farther observations, and concluded by moving his first Resolution, which was unanimously agreed to.

Mr. Baring said, that when the Bill came forward respecting the tax on cotton, he should oppose it as one most injurious to our manufacture. He thought the manufac-

tures of America had been much improved by the unhappy differences with this country, and that our laying a duty on the importation of a raw material, so necessary to our manufactures, would be a farther encouragement to the manufactures of America.

The Chancellor of the Exchequer apprised the honourable gentleman, that as to the tax upon cotton, no new Bill was to be brought into the House; but a Bill for that purpose was already before them, and in an advanced state. As to the supply of cotton, he did not fear but that our own colonies and the East Indies would yield a very sufficient supply, in case we should get none from America. If some diminution of revenue took place on the imports, in consequence of those measures which were calculated to the protection of British produce and British shipping, it must on the other hand be considered, that whatever favoured and served our manufacturing and shipping interests, would produce some revenue in another way.

Mr. Rose said, that he believed there never could be any deficiency in the supply of cotton-wool, as the East Indies could yield a supply to any extent.

Mr. Baring did not think our manufactures could do well without the fine cottons of America, nor did he think the East-India cotton would be an equivalent for it. As to our West-India colonies, they produced but little of that article.

Mr. Wynne said, that he was very glad to find, that among his Ways and Means of the year, the Chancellor of the Exchequer had not recourse to a lottery.

The Chancellor of the Exchequer told the honourable gentleman, that he was mistaken. That was among the Ways and Means.

IRISH BUDGET.

Mr. Foster began by stating the Supplies for Ireland, the Interest of the Debt, the Contribution to the general Expenditure of the Empire, the Deficit of last Year, &c. &c. amounting in all to 13,406,697*l.* As Ways and Means to meet this Supply, he stated—

Surplus of the Consolidated Fund -	£ 740,000
Revenue of the Year - -	4,500,000
Loan - - - -	2,500,000
Treasury Bills - - -	1,000,000
Loan in Britain - - -	4,500,000
	£. 13,240,000

But the British money being turned into Irish, the whole sum would amount to 13,615,713*l.* being more than 200,000*l.* beyond the Supply. Before he proceeded to state the mode in which he proposed to meet the interest of the two millions and a half and the one million Exchequer-bills, he could not but advert to the terms on which the Irish and English Loans had been procured. The Loan in Ireland was procured at ten-pence per cent. more than in England; but taking into account the addition to the Sinking Funds for these Loans, that for Ireland had been raised at about four shillings per cent. less than the British Loan. To meet the interest of the Loan, and of the one million Exchequer-bills, he proposed to impose taxes on two commodities, the amount of which he estimated as follows:—

Tobacco - - - -	221,000
Hemp - - - -	8,000
	£. 229,000
Interest on Loan and Exchequer-bills, 3½ millions, at 6 per cent. - - - -	210,000
Difference of the Amount of the Taxes beyond the Interest - - -	19,000

He had two other taxes to propose, from which, however, he did not expect much revenue. He intended to raise the duties on Timber imported from the United States, to the duties paid upon Timber from other foreign countries. At present the United States' timber only paid the duty imposed upon timber from our own colonies. He proposed also to diminish the duty on Staves imported from our own American Colonies. These were very useful in regard to the exports of Ireland. The other tax was on Cotton Wool imported in foreign ships—that imported in British and Irish ships to remain the same. In imitation of his right honourable friend, he would submit the abolition of the Port duty in Ireland. This would be a relief to that country, and the duty at present was but a very small one. He should be sorry to sit down without stating that the circumstances of Ireland being unable at present to raise her taxes, was no ground of alarm for her prosperity. The linen trade had not fallen to any extent worth mentioning—the export of salt provisions had somewhat decreased, but it ought to be recollected that the beef furnished to our forces abroad was

not entered in the King's books; besides, the export of live cattle had increased from 5 to 39,000—so that taking the export of beef and live cattle together, there was a considerable increase of export even on this article.—Taking the average of the three last years, the exports amounted to more than ten millions annually, though they were somewhat less in the last year than in the year preceding. The balance, upon the whole, in favour of Ireland, he stated at about two millions, together with a steady exchange for the last four or five years. We omitted to observe in its proper place, that he also stated the export of corn from Ireland to have considerably increased of late—a proof of the improvement of the Irish agriculture. He next stated his high approbation of the policy of relieving Ireland from a part of its burthen, at the moment when it could not, without the greatest inconvenience, endure much additional taxation. The resources of Ireland were capable of great increase;—they had increased upon the whole very considerably since the Union. It was the best policy to foster the manufactures of Ireland, and nurse all its resources. It would, at a future period, be enabled amply to repay whatever indulgence it met with at present. It would be better able to meet future burthens, if its capital were now spared as much as possible. The liberal manner in which the proposal of his right honourable friend to advance so large a sum for Ireland had been met, he trusted, would excite the gratitude of every Irishman. The whole conduct of the United Parliament towards Ireland, with respect to pecuniary matters, had been marked with the greatest liberality. Sums had been readily voted for building churches—for promoting the residence of the clergy—for public institutions—for seminaries of education in Ireland. With regard to trade—warehouses had been extended—light-houses had been constructed—in short, he did not know a single object that served to contribute to the prosperity, the morality, and information of the people of Ireland, which the United Parliament had not most cheerfully and liberally supported. He had no doubt this wise and generous policy would be most amply rewarded in the end. He concluded by moving, that 2½ millions be raised by loan for the service of Ireland.

Sir J. Newport stated, that he had often called the attention of the House to the circumstance that Ireland was burthened much beyond what she could well bear, and that the time

would soon come when she could not supply the expected share of revenue. That period had now arrived. He was as ready as any man to compliment the liberality of this country in relieving Ireland from so considerable a portion of the loan; but he maintained that at the time of the Union, a most improvident calculation had been made as to the proportion of burthen which Ireland ought to bear. Much more had then been assigned to Ireland than ought to have laid upon that country. He admitted that Ireland had in some respects very much improved since the Union; and so it had in many respects before the Union.—With regard to the exports, he considered ideal value as a very uncertain criterion. The only sure criterion was the quantity exported. Allowing that Ireland had improved, it wanted the capacity for taxation. It wanted that diffusion of wealth and comfort among the middle classes which made the taxes so productive in this country. It was only among the children of the present generation in Ireland, that the prevalence of such comforts could be expected.—Sir J. Newport went on to remark that the increasing wealth of the country was evident, and that an incontestable proof of it was to be found in the state of the country, under all the pressure of its taxation. The natural effect of taxes was to diminish consumption wherever they were laid, and the only means of counteracting this effect must be a state of growing prosperity. He did not, however, consider any increase in the export of beef or pork, or of raw produce generally, as a fair criterion; they had never been heretofore included in the scale, nor ought they at present. On the subject of education he was willing to acknowledge the benefits of any system founded with such views; but he required to be better informed of the plan and principles on which it was proposed to conduct it, before he assented to the propriety of commending the liberality of Government upon that point. So far from believing that the merchants of Ireland had found any advantage in abrogating the fees of the customs, he was well assured that the difficulties placed in their way by the alteration, had most seriously augmented their inconveniencies. The light-houses too, whatever might be their utility, being erected and maintained at the expence of the merchants themselves, ought certainly not to be set down as an item in the bounty of the House, or the generosity of the Government. Upon that part of the right honourable gentleman's speech which referred to the improved order and

tranquillity of the Irish people, he never would agree to give any credit for a disposition in the Legislature to attain that great and valuable object, until more readiness should be shewn to raise the duties on the Distilleries. No professions would avail, and no general provisions succeed, in bringing about any salutary reformation of that description, while that particular tax was left unrepealed or unaltered. He could not help observing how far the exposition of the financial state of Ireland fell short of those calculations made when she had a separate Parliament, and when one of the inducements held out in support of the Union was the prospect of an increase in her revenue of 1,000,000*l.* in time of war, and 500,000*l.* in time of peace. He knew that the warfare in which the empire had been engaged was one cause of the disappointment; but what he principally was desirous of enforcing was, that Ireland was incapable of paying her quota in the same proportion to the increasing exigencies of the United Kingdom. Her revenue was taken contrary to his estimation at the time, last year, at 5,000,000*l.* and it had yielded only 3,650,000*l.*: still the right honourable gentleman took it at 4,500,000*l.* for the present year. This was a proceeding, in his opinion, highly improvident, and to be justified on no ground of accurate statement, or fair deduction. The tax upon tobacco he also considered highly objectionable, since upon every former experiment it had proved unproductive. Situated as Ireland was, with numerous ports, and connected intimately with North America, this tax would undoubtedly be evaded by smuggling. Other objections might be raised to the new duties on hemp, cotton wool, and timber; but he declined at present going further into the consideration of them than to observe, that he heard the culture of hemp in Ireland had been little encouraged, and that he hoped the right honourable gentleman, in his new arrangement of the duty on foreign staves, had satisfied himself upon the quantity requisite for the export of butter, beef, &c.

Lord Castlereagh said, that as an allusion had been made by the right honourable Baronet to a speech of his in the Irish Parliament, he deemed it right to say, that his calculation of the prospective benefit to be derived to Ireland from the Union, was founded upon the accounts of the three years previous, and could have had no reference to subsequent events.

Mr. Fitzgerald commented at some length on the objec-

tions of the right honourable Baronet, and contended that the plan of Mr. Foster was marked by the utmost fairness and liberality. There was evidently no foundation for the insinuation of any negligence either on his part or that of the House in their attention to Irish affairs.

Mr. Grattan observed, that he had never said the Union would destroy, but that it must check the prosperity of Ireland. Its increase in live stock and raw produce was no more than the necessary result of its natural fertility, which scarcely no government, however bad, could entirely stop, much less the present, which only stood in need of improvement. In support of his opinion, that the financial statements made that night and on recent occasions were much too sanguine and enthusiastic, he observed, that in 1792 Ireland exported more linen than she does at present, and that the rate of her increase was much greater during the ten years from 1782 to 1792, than in the eighteen years since.

Mr. Perceval complimented the right honourable gentleman (Mr. Grattan) on the candour of his observations. He strongly deprecated the idea of looking upon Ireland as being in a state bordering on bankruptcy; his view of the growing resources of that country were far more encouraging.

Mr. Hutchinson was glad to hear the right honourable gentleman speak so justly of the capability of Ireland, because it augured a better knowledge of that country than he (Mr. Hutchinson) had been in the habit of imputing to him. Ignorance of Ireland had been the cause of the greater part of her misfortunes; and he wished he could convince that honourable gentleman that the more he knew of the great natural means and resources of that much-gifted country, the better qualified he would be to guide to a prosperous issue the destinies of the empire at large. (*Hear!*) He had listened with great attention to the statement of the Irish Chancellor of the Exchequer, and he confessed he had heard from him for the first time a new principle of political economy. He had not known before that the exportation of cattle was a very conclusive criterion of national prosperity. His prejudices till now had taught him that a large cattle stock arose from a redundant pasture, and that where there was a far greater portion of pasture, it was because the people of that country had not yet acquired either the skill or the means of knowing what to do with the soil. The financial state of Ireland was, and had been for so long a period, so critical, that he

thought the present subject ought to have been laid before them deliberately, and discussed with a patient investigation. Not that he had any intention of trespassing on the Committee, but that he felt satisfied that nothing could tend more to the general interests than a general information upon the affairs of Ireland—and therefore it was that he regretted that the two Chancellors of the Exchequer did not agree to postpone either Budget to another evening. This would have appeared to him desirable, if it had no other effect than that of avoiding the appearance to Ireland of crowding the question of her interests with an unseemly hurry, upon a discussion that might have already exhausted the attention of the House. With respect to the speech of the Irish Chancellor, he thought that if that right honourable gentleman had confined himself merely to his financial statement, and followed the example set by the Chancellor for England, he (Mr. Hutchinson) should not have felt himself called upon to trouble the Committee with any observation at that time; but when that right honourable gentleman turned aside, and proceeded so far out of his way as to vaunt of the growing prosperity of Ireland, and even to panegyrise himself, his colleagues in office, and the English part of the House of Commons for their uniform attention and devotion to the interests and welfare of Ireland, then did he feel himself called upon, in the name of his countrymen, to protest against any such claim, and utterly to deny it, as being not only unfounded in fact, but in direct contradiction of it. This he stated of his own knowledge. As to the general plan of taxation, he had one vital objection to it—those were in general the objects of taxation who were the least able to bear it. The right honourable gentleman appeared to him to seek, in general, for taxes where little could be got, and not even that little without much and severe oppression. If the Irish Chancellor of the Exchequer came in a manly way to the discharge of his public duty, he could find more fit and more productive objects for taxation than those which he had as yet selected. Of the tax upon tobacco he disapproved, because he thought it would be at once harsh and inequable in its operation and scanty in its produce. To the tax on timber he had two objections; the first, which was perhaps the lighter one, was that it would have the effect of impeding the peasantry in the general improvement of their habitations. It was certainly a most desirable object to diffuse amongst the labouring classes of the peasantry

that relish for the substantial comforts of neat and well-ordered dwelling-houses, which could not be long maintained without teaching the virtues of a sober, systematic industry, and giving the peasant a consciousness in that property which must be to him, of all others, the most cheering and consolatory—that of the poor man's home. This tax, however, by raising the price of American timber, must raise the price of all other kinds of timber, and of course very considerably obstruct, if not totally defeat, the progress of so desirable an improvement in the condition of the Irish peasant. But his second objection was yet more serious. At a period in which our relations with America were so critically circumstanced, he thought that the imposition of such a tax as this must be looked upon by that Government with considerable jealousy; they might consider it as almost amounting to a declaration of war. This, therefore, he thought to be the moment at which, above all others, the imposition of such a tax was most objectionable. With respect to the right honourable gentleman (Mr. Perceval), he was willing to acknowledge his attention to the interests of Ireland in that one instance, and was not indisposed to augur well from it. He hailed it as the beginning of his ministerial attempts for her prosperity, and hoped it would soon cease to be the solitary instance of his good will towards Ireland. Thus much he said freely, but more he could not say. He could not go beyond that night. He repeated his declaration, which he had made of his own knowledge, that down to that night, nothing had been done to justify the claim which had been put in upon the gratitude of Ireland—for what was she to be grateful? Not surely because they had so repeatedly refused to redress her wrongs; not because they had been so long deaf to her complaints and indifferent to her interests? "I should be sorry (said Mr. Hutchinson) to say any thing offensive to the House, and should be more sorry if truth could offend them. My charge is one which, however widely it may extend, I would more particularly direct against the Ministers. I charge them then with a violation of all the solemn compacts entered into between the two countries since the Union. It is an account of long arrears, from 1801 down to the present time. I charge them with indifference, ignorance, and neglect towards Ireland. I have witnessed in this House, session after session, repeated attempts made to better the condition of Ireland; to plant, as it were, the

population in the soil, and give them a rooted interest in her greatness; and uniformly have I seen those attempts resisted and defeated, in open violation of the public faith which you solemnly pledged to Ireland in exchange for her independence. I charge you with having refused to four millions the privileges you solemnly pledged yourselves to share with them. The gratitude of Ireland is demanded in return for the measures taken to secure the education of her people. I for one resist the demand—for I myself was an humble instrument in calling upon you to provide in some way for the education of her clergy—that clergy who are to be entrusted with the religion and morals of four millions of your fellow-subjects, and this had been denied me. Let Ireland know the service she has received from you, before her gratitude is thus tauntingly challenged.

Mr. Foster distinctly denied that he had ever said that the exportation of cattle was a mark of national prosperity. What did the honourable gentleman mean by saying, that if he (Mr. Foster) did his duty in a manly way, he would find another and a more productive tax?—he was at a loss to understand the honourable gentleman. Why could he not speak out? Let him name this better tax, and if he thought it better than his own, he would adopt it at once. (*Hear, hear!*) Will the gentleman name it? Then if he don't, let the people of Ireland blame him, and not me; for I have suggested the best tax my judgment could enable me to do, while here is an honourable gentleman who knows a better, and yet refuses to communicate it. (*Hear, hear!* from Mr. Perceval).

Mr. Shaw (of Dublin) could not see why the right honourable gentleman should take upon himself to load his right honourable friend with the duties of his office, while he kept all the emoluments to himself. (*A laugh*) His honourable friend, in stating his objections to the measures of the right honourable gentleman, had done nothing more than he had a right to do. (*Hear*). Nor could he believe that every member who, in the conscientious discharge of his duty, objected to any measure brought before the House, was thereby bound to substitute a better in its place. Mr. Shaw then proceeded to observe upon the items of the new taxes, and to compare the produce of the tax on wine, currants and raisins, &c. &c. at stated periods. The total amount of the produce of the duties on wine was in the year 1809, 365,276*l.* 11*s.* 3*d.* and for the year 1810

it was but 309,014*l.* 18*s.* 11*d.* The duties on teas for the year 1809 produced 500,946*l.* 8*s.* 5*d.* and the same in 1810 produced but 472,009*l.* 14*s.* The duties on currants and raisins for the year 1809 amounted to the sum of 11,920*l.* 2*s.* 5*d.* while those for the year 1810 had fallen to 4,778*l.* 13*s.* 10*d.*—Here there was certainly no progressive increase, but an evident progressive decrease. He was sorry he could not persuade the right honourable gentleman to put an increased duty upon spirits; that, indeed, would be a tax productive not only of revenue, but of the most beneficial consequences in other respects. The long list that had been read retailing the number of stills, worms, and kegs which had been seized, did not prove that illicit distillation had been suppressed; but proved that the reduction of the duties had not had the expected effect of suppressing the illicit distillation. He could not join in the sanguine opinion that had been expressed of the great prosperity of Ireland. She had since the Union increased her debt nearly two-thirds. It was then thirty-three millions, and was now eighty-nine millions.

The several Resolutions were then read and agreed to; and the House having resumed, the other orders were disposed of.—Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 21.

Some time after prayers, there was a Commission, by which (we understood) the Royal assent was given to several Bills. On the re-admission of strangers, we found Earl Stanhope on his legs, presenting a petition against the Bill brought in by Lord Viscount Sidmouth, for amending

THE TOLERATION ACT.

The petition having been received, and ordered to lie on the table,

The Earl of Liverpool rose, and, after bearing his testimony to the good intentions of his noble friend who had introduced the Bill, and who, he was confident, had nothing in view dangerous to the wholesome and wise system of toleration in this country, expressed his doubts respecting the prudence of his farther pressing the measure. If it

were passed, the good that was to be expected would be, comparatively, much less than was expected in any view of the subject. But if it were passed under the present misconceptions of its object, and the alarm and apprehension thereby created, the evils produced by it might far preponderate. The Toleration laws, he was ready to say, were matters on which he thought the Legislature should not touch, unless it were from causes of great and paramount necessity. Under all these circumstances, he trusted that his noble friend would see the propriety of not farther pressing his Bill.

Lord Viscount Sidmouth said, that he was placed in a situation of considerable difficulty, as he must consider the sentiments expressed by the noble Earl as the sentiments of the Government, of which he was a principal part.—Yet, if his noble friend confessed that misconceptions had gone abroad on the object of his measure, that could not be a reason sufficient for him to withdraw his Bill in the present stage of it. The greatest misconceptions, misapprehensions, and, he might add, misrepresentations, of the Bill had been made without doors, that, although it was not regular in that stage to enter into particulars, he should, for convenience, if not regularly, take that opportunity of stating what his Bill was, and what it was not.

Earl Grey spoke to order. He would be the last person to interrupt the noble Viscount, but it was certainly quite out of order to enter into the details of the question on the presentation of the petitions, when the opportunity of addressing the House would so soon occur on the second reading. He was convinced of the purity of intention by which his noble friend was actuated, and that he entertained no design of infringing on the just and liberal toleration of every man's opinion and worship; but he thought that the present was not the time for discussing the question, when they were receiving petitions, unless the reception of them was to be objected to.

Lord Viscount Sidmouth said, he should not farther trouble the House at that time. It had not been his intention to take up their time long; but he should reserve himself till the second reading, then more fully to explain himself.

Earl Stanhope presented several other petitions, from different dissenting congregations in various parts of Eng-

land, (Castlecary, Market Harborough, &c.) which were severally ordered to lie on the table.

Lord Holland rose, and said, that he had numerous petitions to present to the House against the present Bill, the first of which he should move to be read. It was the joint petition of the three denominations of the Dissenters in, and in the vicinity of, the metropolis, namely, the Presbyterian, the Baptist, and the Independent. He should say little by way of preface, except that he believed that that, as well as other petitions, would shew, that the people of this country were not so ignorant of the nature and character of a Bill brought into Parliament, as not to see and to appreciate its consequences on their civil or their religious liberty. He was happy to hear from the noble Secretary of State, what he had heard from him that night, on the impolicy of such a measure. But, he must say, that the noble Viscount had very fairly shaped his course in the proceedings both last session and this. He (Lord Holland) had, last June, stated his intention to look with much care and great jealousy at any attempt to meddle with, or impair the provisions, of the Toleration Act; and he thanked the noble Viscount for having so fully explained his views this session. He could not, however, avoid expressing his surprise and regret, that the noble Secretary of State had not taken an earlier opportunity, either last session or this, of stating his prudential objections to the adoption of this measure, instead of leaving that to the present occasion, when the petitions against it were crowding in from all parts of England. He then presented the petition, which was received, and ordered to lie on the table.

Lord Holland then stated, that he had a great number of other petitions.

The Earl of Hardwicke said, it was desirable to know whether any of those petitions contained matter which reflected upon, or was irregular to be presented to, that House.

Lord Holland said, that he had been unable to read them all. Several he had read, which contained no such matter. But he should feel pleasure in having them all read to the House, if it should not be too inconvenient in respect of time.

The Earl of Lauderdale said, that he also had many petitions to present. Such was, however, the opinion he

entertained of the respectability of character of the persons who had framed them, that if there was any intention shewn of casting doubts or reflections on them, he should certainly move, that any one of those which he should present should be read.

The petitions presented by Lord Holland were then received, the preambles read, and ordered to lie on the table. They were from congregations in a number of places in Wiltshire, Essex, Dorset, Berks, Middlesex, &c. One petition, we believe, was signed by above four thousand persons.

The Earl of Moira rose, and after some observations on the respectability of the petitioners, declared his readiness to take his responsibility for the propriety of the sentiments they contained. His Lordship then presented a great number of petitions from different places in London, Westminster, Surrey, Middlesex, Kent, Cambridgeshire, Essex, Berks, and Sussex; Bucks, Wilts, Leicestershire, Norfolk, Hants, Herts, Derbyshire, Warwickshire, Northamptonshire, Oxfordshire, &c. amounting to about fifty; the particular towns we are unable to specify, all which were ordered to lie on the table.

The Earl of Lauderdale then rose, and presented numerous petitions from Bath, the Isle of Wight, Kent, and various other places, with signatures to the amount of more than ten thousand names, all which were taken as read, and ordered to lie on the table.

Earl Grey presented a petition from a congregation at Bristol, which we understood his Lordship to say, was intended to have been presented by the High Steward of that city (Lord Grenville). His noble friend could not attend in the House that night; but he was confident, from what he knew of his opinions respecting the important subject of Toleration, that he was favourable to the prayer of the petition. Ordered to lie on the table.

The Duke of Norfolk observed, that persons not dissenters, but friends to the principle of Toleration, had signed the petition.

Earl Grey then presented many other petitions from Lewes, Portsmouth, Daventry, Colnbrook, Gloucester, and other places, which were also ordered to lie on the table.

The Earl of Rosslyn presented several similar petitions from different places. Ordered to lie on the table.

Lord Erskine stated, that he had near 200 petitions to present on the same important subject. He should make no other prefatory remark, but to say, that they contained the same opinions on that question, which he himself maintained on the subject of the Toleration Act. These petitions were presented, and ordered to lie on the table. They were from all parts of England, and some of them had an immense number of signatures.

The Marquis of Lansdowne then stated, that he had above one hundred different petitions to present to their Lordships on the same subject, and of the same tenour. The first petition he presented, his Lordship stated, was signed by many persons not Protestant Dissenters; several of them beneficed Clergymen of the Established Church, who, equally with the Protestant Dissenters, deprecated any interference with the Toleration Laws, and was signed by 896 persons. All these petitions were also received, and ordered to lie on the table.

The number of all the petitions received was about five hundred.

The order of the day was then called for by several Lords, when, after some pause had occurred,

Lord Viscount Sidmouth rose, and said, that in moving the second reading of this Bill, he should make no remarks on the number of the petitions which had been presented against it, as he readily supposed that the petitioners sincerely believed what they had expressed with respect to the operation of it. His noble friend (Lord Liverpool) had truly stated, that great misconception and misapprehens on had gone forth respecting the Bill, and, he must add, great misrepresentation. The various public resolutions were, for the greater part, inapplicable to the real objects of his Bill. When the intelligent mind of his noble friend was not quite free from misconception, he could not wonder at seeing the misapprehensions of others. It seemed to be thought that some change was intended in our Toleration Laws. What was it? The object of the Bill, the clauses of which might be amended in the Committee, was merely to give uniformity to the two Acts on which our system of toleration was founded; its object was not to exclude any class of Dissenters, but to comprehend all, according to the spirit and meaning of those Acts. This was the sole purpose of the Bill. He was led to propose it, from information he had a considerable time since received, of what

was and is the prevalent mode of executing those Acts.—He lamented to think that the effect of those Bills was, that any ignorant person, of depraved morals, should be able, by taking the oath of allegiance, by making the declaration against Popery, and subscribing to certain articles of the Church, declaring himself, under the 19th of the present King, a Christian and Protestant, and a believer that the Old and New Testaments contained the revealed will of God, to claim his licence, and that his certificate should enable him to preach any where any doctrines he pleased; and that this did, in fact, till 1802, exempt him from many civil, and from all military, services. At first he could hardly credit that interpretation of the laws. He could state, but that he feared fatiguing their Lordships, informations from many Magistrates, of numerous applications at quarter-sessions, evidently to obtain these exemptions. He had heard, of what he confessed was creditable to a sect of Dissenters, wherein they acknowledged these abuses, and expressed their desire to correct them, by the expulsion from among them of such unworthy persons.—[The Wesley connexion was here alluded to.] Could it be supposed that they who so acted to evade the laws, would be deterred by fear of their brethren? He had learned with satisfaction, that though the prevalent interpretation of the law was as he had stated, yet, with many well-informed and respectable persons, it was not so. In Devon, Norfolk, Bucks, and in Suffolk too, he learned, that that interpretation was not admitted. Feeling the abuses that were committed—learning the opinions of enlightened men—and the practice of many respectable Magistrates on this subject, he had felt it necessary to bring the consideration of it before Parliament. He had been encouraged to do so, by the opinions of respectable persons, of Magistrates, and Judges; and he had stated in June, 1809, that he intended to do nothing but what was with a view to secure the toleration of the Protestant Dissenters, as well as the support of the Church of England, of which he gloried in being a member. By this fair standard he had proceeded, and in his Bill there was nothing to be found inconsistent with it. He had not contented himself with the authorities he had mentioned, but had sought farther information, and even communications, with various Dissenters. From some of them he had received voluntary communications, and with others he had had conversation;

and he could truly aver, that though many wished he should take no steps in the business, few objected to the measure he proposed. They thought merely, that though the measure was innocent, yet that it might excite in other quarters a disposition to introduce into it objectionable clauses. They did not seem, on the whole, to think there was any thing in it materially objectionable. Every class of Dissenting Preachers, in fact, who had separate congregations, were left by this Bill in the same state as before, with the removal of all sorts of impediments, and the Magistrate would know better what was his duty on such subjects.—What better mode of attestation could there be, than that of several persons of the congregation for those who sought for licences? As to the question of substantial and reputable householders, or householders merely, that was a consideration for the Committee. There was no other regulation, but to relieve them from different practice at different quarter-sessions. The second point applied to such as had not separate congregations. He did not expect to meet with any difficulty on this subject from the quarter whence it arose. It would be a farce to talk of toleration, he confessed, and at the same time to exclude this class of persons from the rights allowed to other Protestant Dissenters, though he must say, that he knew they had often given great pain and vexation to many most excellent and meritorious beneficed Clergymen. Yet he must, in candour, admit, that hundreds and thousands of people would, through our own unpardonable and abominable neglect, be deprived of all moral and religious instruction, were it not for the services of these persons. Millions in this country were indebted to them for their religious instruction.—*(Hear!)* We are not at liberty to withhold the only means of moral and religious knowledge. He had not, therefore, excluded such persons, which would have been contrary to indispensable and eternal justice. The third point of his Bill related to Probationers. He had, on that point, proposed, that six persons should sign their belief of the sober and exemplary life, of the capacity, &c. of the individual. What test could be more moderate? His object was to follow up the principles of the toleration laws, which never meant, that any person should assume to himself the privilege of a preacher and teacher, and exercise such important functions without some attestations. *(Hear!)*—Any person under the Bill might then be chosen, nay, he

might be said even to choose himself, if he procured such attestations. He confessed he did, confidently, but, as he had found, vainly, expect, that he should have had the consent of all the sects and descriptions who felt what was due to the purity, sanctity, and dignity of religion. All he was apprehensive of was, that some friends to the Established Church might think the Bill would be inefficient for what was requisite; but he never thought that any Protestant Dissenter would consider it inconsistent with the wise and just enactments of the Toleration Laws. He learned that in the customs of Dissenters, probation was necessary for the proof of the gifts necessary for the ministerial office, therefore he had merely proposed that three Dissenting Preachers should sign a testimony in the Probationer's favour. In our own church, by our Ecclesiastical laws, there were certain probations and attestations to be made. A Deacon must have the testimonals of three Clergymen to his life, gifts, &c. His name must also be read three times in Church. He did not mean to say that this always prevented improper introductions, but that such were the precautions that were observed by law. Though he had received much information on the subject, no man should be placed by him in an unpleasant situation by his stating his name, though there were noble Lords present who knew what information he had received. From the Itinerant Methodists, of whom he did not wish to speak disrespectfully, he had grounds on which he expected their approbation. He had formed *his* opinions from those of magistrates and respectable gentlemen of various description. Objections had been stated at first by his noble friend, for whom he had much respect (Lord Holland), who seemed to think that any man had a right to take on himself the office of teacher on making the declarations, &c. and that it was not a question for the Legislature to take up. He would say that this opinion was utterly inconsistent with the meaning of the Toleration Act. That Act, right or wrong, was a measure of condition. (*Hear! hear! from the Opposition side.*) He never could agree to those broad principles. But in some respects, he thought those laws intolerant, where, for instance, they limited religious doctrines. (*Hear! hear!*) His noble friend had called the Toleration Act the palladium of religious liberty. What did he admire in it? Its beneficent effects, he had said, in its providing freedom of worship. Could he deny that it was differently acted upon in different counties?

In proportion to his admiration of it, his wish should be to render its operation universal. It was not so at present. There was no case, wherein when the licence had been refused, the party had, at least for many years, resorted to the Court of King's Bench. He went to another county. Thus, there was a different interpretation in counties bordering upon each other. Let the benefit, therefore, be made universal. If this measure were improper, come at once to the assertion of the broad principle, and try to alter the laws in that way. That broad principle had never existed in any age or in any country. History, both sacred and profane, shewed the importance that had been always attached to the priesthood, which had never been assumed but conferred. He was not so read in the sacred writings as he ought to be, and he could touch on them only with great deference. But he had read, "Lay hands suddenly on no man;" and also, that persons chosen for such situations should be "of good report." He could not think of the argument taken from the low condition of those who, in earlier days, received their divine missions, as applicable to present times, and as giving authority to the persons he had alluded to, to lay their claims to divine influence, without any attestations of their character and qualifications. The early ages of the Church showed that the purity of character was held indispensable to him who attempted to enter into the solemn offices of the priesthood. His noble friend had said, that no case had been made out. He appealed to their Lordships on that point. He then stated a circumstance that recently happened at Stafford, when the Magistrate, certainly not regularly, required the applicant to write his name, but who answered, that he came there not to write, but to make the declaration. He was convinced he had now made out sufficient grounds for the second reading, and for going into the Committee. The noble Lord proceeded to state, from a paper he held in his hand, in which the writer mentioned as an instance of the laxity with which licences to preach were granted, that he had heard a person in the neighbourhood of London, who seemed well versed in all the atheistical and deistical arguments on the subject of religion, lecturing to a crowded audience for two hours and a half, and broaching the most irreligious and even blasphemous doctrines. The Bill which he had introduced would naturally check the existence or spreading of such abuses, which could not fail

to be lamented by every man who was a friend to the morals or the happiness of all classes of society; and he feared that the broad principle stated on a former night by his noble friend (Lord Holland) tended to let loose this class of men, whose labours must be so destructive of civilized society. Their Lordships did not do their duty if they thought themselves absolved from attending to the prevention of such abuses. It was their duty to protect the ignorant and unwary from being led astray, and to put them on their guard against such mischievous practices. The noble Lord then alluded to various Resolutions that had been published in the newspapers. It had surprised him much to observe one set of these Resolutions subscribed by a very respectable gentleman, who was a Member of the other House of Parliament (Mr. W. Smith), in which the Bill was represented as being designed to abridge religious liberty. He saw with astonishment that such an object was ascribed to the measure, than which nothing could be farther from his thoughts. Upon the whole, he could not help expressing an ardent wish that the Bill should be read a second time, in order that it might go into a Committee, where it might undergo a variety of amendments. He himself should propose several alterations in the Committee; but if he perceived a strong unwillingness on the part of their Lordships to entertain the Bill, however much he should regret it, he should respectfully acquiesce in their decision. He concluded with moving, that the Bill be now read a second time.

The Archbishop of Canterbury declared his utter abhorrence of every species of religious persecution. Whilst he lamented the errors, as he thought them, of the Protestant Dissenters from the Church of England, he admitted that they had a full right to the sober and conscientious profession of their own religious opinions. The sacred writings were allowed by all Protestants to be the great standard of religious doctrine, but the interpretation of them was liable to error. Uniformity of religious belief was not to be expected, so variously constituted were the minds of men; and consequently religious coercion was not only absurd and impolitic, but for all good purposes impracticable. As to the present Bill, he should deliver his opinion very shortly. It appeared to him that there were only two objects which it had in view; the first was, to produce uniformity in explaining the Act of Toleration, and the second was, to

render the class of Dissenting Ministers more respectable, by the exclusion of those who were unfit for the office. These objects seemed laudable in themselves, and calculated to increase the respectability of the Dissenting interest. At the same time the Dissenters themselves were the best judges of their own concerns; and as it appeared from the great number of petitions which loaded the table of the House, that they were hostile to the measure, he thought it would be both unwise and impolitic to press this Bill against their consent. He therefore wished that the noble Lord would withdraw it, and put an end to that alarm which had been excited, even though it might be groundless.

Lord Erskine expressed his conviction, that if the second reading of the Bill had been delayed only a few weeks longer, ten times the number of petitions would have been presented against it, in addition to those that already incumbered their Lordships' table, and loaded the floor: such was the opinion which the Dissenters at large entertained of the measure, and such the anxiety they felt at the appearance of encroachment on any of the privileges which they enjoyed. The Bill professed to be of a declaratory nature, and merely explanatory of the Act of Toleration; but he would contend, that it was repugnant both to the letter and the spirit of the Toleration Act, that great palladium of religious liberty. As to the case of a man teaching blasphemous doctrines, a circumstance to which the noble Lord had adverted as having actually taken place; was not such a person, he would ask, liable to be indicted for a misdemeanour? If a man inculcated sedition or blasphemy from the pulpit, was he not liable to be punished for it; and was not this the case with Winterbotham, who, by the bye, he believed was rather hardly dealt with? There was no occasion for any new law against blasphemy; and therefore so far there was no occasion for the noble Lord to refer to such an abuse as a ground for the present Bill. He knew that some descriptions of preachers among the Methodists, from which class he had presented so many petitions, asked no exemption from serving in civil offices. If they refused to serve, their certificate would not protect them. The law on this subject was quite clear and required no explanation. If a man was a religious teacher, and had no other avocation, in that case he had "a local habitation and a name;" he was a pastor and had a flock, from which it was

not the meaning of the Toleration Act that he should be abstracted, in order to serve in civil or military offices. But if all this was not the case, then he could claim no such exemption. If the pressure of the times, and the demand for military service, required that such exemptions should be narrowed, then do it by a special act to that effect, and not by narrowing the Act of Toleration. He moved that the Bill be read a second time this day six months.

The Lord Chancellor felt convinced, that no man was more averse to breaking in upon the great principles of the Toleration Act, than his noble friend who proposed the Bill. The different modes of interpreting that Act, were, however, facts incapable of contradiction; and if a man was refused a licence in one county, it was much more easy for him to go to another where he might obtain it, than apply for a mandamus to the Court of King's Bench, which was necessarily accompanied with considerable expence. He also knew, that till a late Act explained the exemptions as to the Militia, there were great doubts as to who were intitled to such exemptions. To shew the laxity of interpretation which prevailed at one time, he could recollect that in his younger years, and when he was liable to be drawn for the Militia, it was proposed to him to get himself exempted by paying sixpence for a licence. He knew the law was so understood at that time; erroneously unquestionably. He (the Lord Chancellor) had known of some instances that occurred, among those persons who came to take the qualifications, of the most total ignorance. There were some who could neither read nor write, and who absolutely, when the name of another was written down, carried it away as their own. He believed the Bill to be well intended, and capable of doing good, but under the present circumstances he thought that to press it on the House would not be advisable.

Lord Holland, in allusion to the assertion, that the majority of the petitioners probably did not understand the measure against which they petitioned, observed, that the holding such language was singularly unbecoming and offensive. Looking at the immense number who signed the petitions on the table, it was no light libel to stigmatize them with want of understanding on a question that so closely touched their immediate interests. A right reverend prelate (the Archbishop of Canterbury) had said, that the deluge of petitions which overflowed their table, was produced by

misapprehension. To follow up the metaphor, it might be said that this deluge was brought down by the flagrant sin of the Bill. Two charges had been casually thrown out against him (Lord Holland): one that he pushed the idea of religious liberty to an extent which struck at the Christian religion itself. This he must utterly deny. He could not altogether understand the form of the clause. The other was, that he gave absurd and extravagant praise to the Toleration Act, an Act which had been characterised as abominably intolerant. He would not go into those considerations, but come directly to the Bill. He had before declared his principles, and he saw no reason now to shrink from them. He was an enemy, a most decided, principled, and resolved enemy to restraints on religious freedom. He was convinced that every man had a natural right to choose his mode of religious teaching, and that no authority ought to interfere with the choice. A man had as good a right to preach a peculiar doctrine as he had to print it. It was not meant to say, that if seditious or blasphemous doctrines were uttered, they were not to be visited; but those offences required no new parliamentary infliction. Every man had a right to carry arms; but it was not necessary to call upon Parliament now to tell him he had no right to commit murder with those arms. But if there was a right which it was dangerous and guilty to controvert, it was the right of every man to interpret scripture after his own manner. In the language of the right-reverend prelate, (the Archbishop of Canterbury), the scriptures were a great largess to the world, a mighty and a free gift to all mankind; not restrained to the disciples or the discipline of a peculiar church, but given for the benefit of the world. (*Hear!*) He considered the Toleration Act as the great religious charter; and religious liberty could not subsist, unless it was perfect and secure. In the language of Locke, it was equal, and impartial, and entire liberty of which religion and religious men stood in need. The Toleration Act had two parts. One of them was a most generous and liberal concession to the people; and the other was nothing beyond a bare and scanty admission of an undoubted right. In one of those parts a crowd of laws were merely done away, which were a shame to the Statute Book; laws that ought never to have existed. In the other, it was enacted, that on signing certain articles, an immunity from specified inconveniences should be given to Dissenting Ministers. He was

always unwilling that questions of this nature should be stirred. He would not go into the question; but if it pleased the House that the Toleration Act, which had slept for a hundred and fifty years, should be roused once more, he was ready to meet the whole discussion. When the noble Lord (Sidmouth) had given notice of his measure, the House could scarcely have the aspect in which it was afterwards to look upon them. But at every repetition of the notice, something was added. The evil complained of by the noble Lord, was more and more seen to be visionary; but the remedy was seen to be more and more violent. One diminished as the other increased. As to the evils which the Bill was to remedy, there was no document before the House to prove that there was any loss of Militia service by the privileges of the Dissenters. The noble Lord (Sidmouth) had established his opinion on some private letters, on which probably that noble Lord placed much reliance. But were those things to be documents, authorizing the House to heap disabilities on the whole immense body of Dissenters? One of those letters was from a gentleman, who complained that one of the preachers in his neighbourhood was an Atheist and Deist at once; that he denied a first cause, and preached a first cause; and it was upon the testimony of such correspondents that the present Bill was built. No mandamus had been applied for in the King's Bench, and therefore the questions of immunities were to be actually agitated by the House of Lords. If two country justices were to disagree on any point, and the dispute was too trivial for the Quarter Sessions, it was to be brought before the House of Lords. The part of the Bill which went to force the Dissenting Ministers to be moral, after the fashion of the noble Lord, was new and offensive, and tyrannical. This was the distinct meaning of the noble Lord. He would manufacture the Dissenting Ministers into precisely such men as he would wish to have preaching to himself; but this was not the species of preacher that the Dissenters chose. This attempt of measuring the morality of the Dissenting Minister by the noble Lord's private conceptions, was totally opposed to the principles of the Toleration Act, and was calculated to be eminently offensive and vexatious. What was the mode of qualification? They must find six housekeepers to vouch for their morality. And who were those, that were to have the power of bringing forward six housekeepers to speak to character,

or who was to deny to the Dissenters the right of having humble men for their teachers? Suppose five hundred paupers chose to hear religion from a man of their own choosing and of their own class, was it to be said, that the desire was beyond what might be permitted, and yet where was this teacher to find his six housekeeping vouchers? Or was the argument to be persisted in by those men who were so ready to boast of their attachment to religion, and to acknowledge as one of its glories, that it had risen by the labours of humble men, not merely without dependance on, but in opposition to the wealth, and influence, and power of the great of this world? Yet it was not enough for the Bill, that the Dissenting Minister should be devout and learned, but that he should be proved so to his congregation. How? by the signature of six housekeepers. Was his ordeal to end here? No; the judgment of the six housekeepers was to be revised by a country Justice, before the Dissenting congregation could be secure of the teacher whom they had originally chosen for his fitness. The article on Probationers was unjust and absurd. When a vacancy occurred in the Dissenting pulpit, a number of candidates usually appeared, who were to give evidence of their qualities, by preaching, before they had or could have obtained an appointment. By the operation of the article now alluded to, those young men would be subjected to the horrid penalties of the Conventicle Act. If this Bill were to pass, they would find 50,000 Methodist Teachers applying immediately for licences, for fear of prosecution. But though the regular Methodist Teachers might not have any thing to fear from a prosecution of that nature, since the wise statute of Anne,—the whole important body of the Itinerants would be exposed to peculiar hazard. The noble Lord (Sidmouth) had spoken of having had the approbation of many respectable Dissenters on the Bill; but he (Lord Holland) had conversed with many on the subject, and he had not found one who did not decidedly disapprove of it altogether. The Bill was completely at variance with the original idea thrown out to the House, as he understood it; and he could not doubt that it was at variance with all that he had ever learnt to revere as the genuine principles of religious liberty. (*Hear, hear!*)

Lord Stanhope never felt more pleasure in his whole parliamentary life than he had done on this very day; and if any one asked him the reason, he would tell them, it was

at the immense heap of petitions that was then strewed upon their floor, and piled upon their table, and all against this wretched Bill. He liked this, because a kind of silly talk had been going abroad, that there was no public. He had always thought otherwise. And he saw to-day that there was a public, and a public opinion, and a public spirit. He saw it in the multitude of petitions sent up on so short a notice; and he was rejoiced to find it alive, active, and energetic. He would not talk of the Bill; that was dead and gone: and it would be beneath a man of sense to quarrel with the carcase. (*A laugh*). The Bill was declaratory as well as active, and it was illegal as well as either. He defied all the lawyers in or out of the House to prove that this wretched and unfortunate Bill was not illegal. (*Hear!*) He would not condescend to argue every point of it. It was unnecessary to argue upon what was beyond human help. It was all over with the Bill; its hour was come; the Bill was dead and gone; but he must say something on the subject however. He hated the name of the Toleration Act. He hated the word Toleration. It was a beggarly, narrow, worthless word; it did not go far enough. He hated Toleration, because he loved liberty. (*Hear!*) There was not a man in that House—not one among the Law Lords—not one, perhaps, among the Bishops themselves, that had read so many of our religious statutes as he had. He had read nearly three hundred of those statutes; and disgusting, and foolish, and wicked, the most of them were. There was but one good statute that he saw, and that was a model for statutes; it was the wisest one on religion that he had ever seen. It was a statute of Edward VI. which abolished the whole set of religious statutes before it—yes, shovelled them away all at once; it was the best of statutes. (*Laughing*). Let the House look to America; no tithes were paid there. (*Hear! hear! from Lord Sidmouth.*) Yes, hear! hear! and let the House hear the way the shrewd American reasoned on the subject. In the State of Connecticut, if a man gave the Minister a bond to pay him tithe, the penalty would not be recoverable in any Court of the State. And what did the American say? If the Clergyman does his duty, he will make his people honest, and then he won't want bonds and seals: but if his people are not honest, and won't keep their promises without being tied down by law, why the Minister has not done his duty, and he has no right to be paid. All, then, must

have a right to choose for themselves in matters of religion, and this was not the first time he thought so. He had made some attempts at removing obnoxious persecuting Acts in the last Session; and he now gave notice, that he would do the same this Session, and every other Session, and would extend his motions to the repeal of all and every Act of religious oppression.

Earl Buckinghamshire, though he did not disapprove of the determination of his noble friend (Sidmouth) not to persevere in the Bill, after the opposition that had been manifested towards it, was still convinced that, if the Bill had been suffered to go into a Committee, it would have come out free from many of the objections under which it now laboured, and in such a state of improved regulation, as would have reconciled to it many of those who now seemed hostile to its principle and enactments. He could not deny that the Petitions presented against this Bill were numerous, and that they contained a very great number of signatures. He could, however, by no means persuade himself, that all those who had signed the Petitions were fully aware of that against which they petitioned; or that, if the matter were properly explained to them, they would not support, rather than oppose the present measure. This he knew, that his honourable friend, while digesting the present Bill, had received such communications on the subject, as induced him to believe, that, in introducing the Bill, he conferred a boon on those to whom it referred, and that there was seldom a measure introduced into that House, which had given more general satisfaction. His noble friend on the second bench (Lord Holland) had stated it to be his opinion, that it would be a thing for the advantage of religion that every man who chose it should become a preacher or teacher. This was a doctrine in which he could not agree. He thought it would be extremely detrimental to the best interests of religion, and dangerous to the existence of any Government, that this should be countenanced.

Lord Holland explained, by declaring it to be his opinion, that though every one of the numerous subscribers to the Petitions on the table might not be fully acquainted with every minute bearing of the measure against which the petitions were presented, yet, there was not one of them who was not aware of the general tendency of the measure,

and that it was injuriously calculated to restrain them in the exercise of their religious doctrines. As to the statement attributed to him by his noble friend (Lord Buckinghamshire), that in his opinion, every person who chose it, ought to be allowed to preach in the mode he thought best, he had not gone exactly that length. He had said, and he still maintained, that the cause of religion would be promoted by allowing all those who thought that they had a call to preach the Gospel, to do so, to those who liked his doctrines, without disability or restraint of any kind.

Earl Grey said, though he perceived that his noble friend (Sidmouth) did not mean to press this Bill farther, yet, after what had fallen from his other noble friend also on the cross-bench (Lord Buckinghamshire), he could not allow the question to be put without declaring his unchangeable objection both to the details and to the principle of the Bill, to which no modifications could ever reconcile him. The principle of the Bill was restraint—restraint vexatious and uncalled for. That it was a Bill of restraint, even his noble friend (Sidmouth) himself had not denied or attempted to disguise. He (Earl Grey) was against all restraint. He went along with his noble friend (Lord Holland) in thinking that every man who was impressed with the belief that he had a call to preach, ought to have every liberty allowed him to do so. One inconvenience stated to result from this unlimited liberty had been stated to be of a purely civil nature, inasmuch as it afforded facilities to men not actually preachers, but who pretended to be so, to avail themselves of that character, to escape certain obligations imposed on the other subjects of the country, such as serving in the militia, &c. Judging from the papers on the table, he could not see the force or justice of this observation. For the last 40 years the number of persons licenced appeared to have been about 11,000. He should take, however, the last twelve years.—Dividing it into two equal parts, it appeared that, in the six former years, the number licenced was 1,100, and, in the latter six years, 900, so that the number had diminished, instead of increasing, and the present measure, instead of being thereby more peculiarly called for, had become so much the less necessary.

Lord Sidmouth, in reply, observed, that he would not be deterred by any thing that had fallen from the noble Lord

who had just sat down, from bringing before their Lordships, whatever his own sense of duty suggested as worthy their attention. He left it to their Lord-ships to decide, whether the law on this subject ought to be left in its present state of uncertainty. The question for the second reading was then put, and negatived without a division. The Bill is therefore thrown out.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 21.

The Chancellor of the Exchequer brought up some papers by command of his royal highness the Prince Regent; the first of which was a copy of the treaty with his Sicilian Majesty. Those papers were ordered to lie on the table.

The House was then summoned to the House of Peers, where the Royal assent was given, by commission, to the 4,980,000*l.* Loan Bill, the Innkeepers Allowance Bill, and to several private Bills.

INVENTION OF LIFE-PRESERVERS.

Mr. Whitbread rose to present a Petition on the part of Mr. W. H. Madison, who had, at great expence and labour, invented and brought to considerable perfection, a means of preserving persons from drowning. Such a discovery must prove very advantageous to the numbers of our countrymen necessarily employed in the seas, and might be therefore considered as a national object, which entitled the petitioner to submit his claim to the House. It was his intention, if the petition was received, to move that it should be referred to a Committee.

The Petition was then brought up, and ordered to lie on the table.

MR. PALMER'S CLAIMS.

Mr. Palmer said, that he should not think it necessary to go at any great length into a statement of those claims, which had already been very fully discussed. In the year 1808, after a very ample discussion, the House had recognised the claims of Mr. Palmer (his father), to the per-centage originally granted him on the improvement of the revenues of the Post-office. A Resolution had been actually passed in the Committee, for a grant to him of 54,702*l.*

on account of this claim. This was at the close of a Session, and the Chancellor of the Exchequer prevailed upon the House to withdraw that grant from the appropriation paper. In the following Session an Address was voted to the Crown, praying that the claim might be tried, as a question of law, on its own merits. This was a course with which Mr. Palmer would have been perfectly contented; but he was informed by his Counsel, that there were difficulties in the case, and that the Address of the House was not binding on the Court of Law, so as to have the claim tried entirely on its merits. Under these circumstances he was obliged again to appeal to the House, to carry its own resolutions into effect. The course that he should now take would be to move for an humble Address to the Prince Regent, praying him to grant the said sum of 54,702*l.* pursuant to the resolution of the Committee, and assuring him that the House would make good the same. He was aware that there might be some objection to this in point of form. It was usual in applications for money to present a petition, which required the consent of the Chancellor of the Exchequer on the part of the Crown. The present case was, however, differently circumstanced. This was not a first application, but it was an appeal to the House to carry their own resolution into effect. When the House resolved on paying the debts of Mr. Pitt, this was the course taken by them. They addressed his Majesty to grant the money, and promised to make it good. If the House judged that a proper course in order to get the debts of another individual paid, he thought they should have no objection to taking the same course, in order to pay a debt recognised by themselves to be due from the country to Mr. Palmer. He concluded by moving an Address.

Mr. Sheridan seconded it.

Mr. Rose said, that before he entered into the subject, he must free himself from the imputation of having been always disinclined to the claims of Mr. Palmer. In the year 1784, he thought it his duty to give every assistance to the plan, and was at that time in the habits of friendship with Mr. Palmer. Mr. Pitt was so far from wishing to deal harshly with Mr. Palmer, that when the dispute first broke out between the Postmaster-general and him, the Postmaster-general (Lord Walsingham) actually conceived for three days that he himself was removed from office. It was perfectly understood at the time, that the 2½ per cent. was

given to Mr. Palmer, not merely as a reward for his invention, but as a retainer for future services. Mr. Pitt was never disinclined to Mr. Palmer until it was fully disclosed to him, that instead of checking and controlling the accounts, as it was his duty to have done, he not only neglected that duty, but instructed the officers under him to violate their duties also, for the purpose of counteracting the Postmaster-general. Instead of accelerating the delivery of letters, it appeared in evidence, that he had purposely retarded the delivery. All this appeared in letters in Mr. Palmer's own hand-writing, directed to Mr. Bonner, and by other incontestable evidence. It was clearly proved, that instead of doing his duty of controlling the accounts, he had been instrumental in the passing of fabricated accounts. Under such circumstances, he believed that there was not a lawyer in the House who would not say, that if his situation of Comptroller to the Post-office had been a patent place and for life, the patent might have been set aside on a *scire facias*, when such instances of gross misconduct in his office had been fully proved. The evidence of Mr. Pitt was clear upon the point of the reward being given, as well for the control and superintendance that was expected from Mr. Palmer, as from the merit of the invention. In this part of what was expected of him, Mr. Palmer had completely failed in his duty. It was on those grounds principally that he felt it his duty to oppose the address.

Mr. P. Moore observed, that, if it were necessary to follow the right honourable gentleman into his different objections to the motion, it would be easy to refute them; but there would be no use in dwelling upon such objections, as they had been already disposed of by the resolution of that House. Mr. Palmer was, in his opinion, very hardly dealt with; and, as the House had solemnly recognised his claims, he called upon them to fulfil the public faith pledged by Parliament. He could not on this occasion but call to mind the flourishing representation of the revenue of the Post-office, made last night by the right honourable gentleman opposite (the Chancellor of the Exchequer). He had taken down his words, and if he should have mistaken him, he should be happy to be corrected. All this improvement in the Post-office revenue was owing to Mr. Palmer's plan. Before that plan was put in execution, the communication between London and the out-ports, by letter, took place but

twice or three times a week, and by a way circuitous, precarious, and perilous. Without the benefit of this plan, even the telegraph in time of war might be sometimes useless. It would be disgraceful to the House to dishonour its own resolution. Mr. Pitt estimated the improvement of the revenue of the Post-office under the plan, at 200,000*l.* it had actually produced, according to the statement of the right honourable gentleman last night, 1,276,000*l.* and the rising progress of it over this amount even was represented as sufficient to afford the relief prayed for by Scotland. When he looked to the indirect revenue to which it led, on horses, servants, equipments, &c. he could not estimate the whole at less than 18 or 1,900,000*l.* This he considered the consequence of Mr. Palmer's plan, and for these reasons he should support the motion.

Mr. W. Dundas having been the Chairman of the Committee in 1797, trusted he would be excused for stating the grounds of his opposition to this motion. Every one would be ready to admit the utility of the plan; but the question now was, what had Mr. Palmer contracted to do? It was not for him to cavil at what the House had thought proper to do in 1807; but he was at a loss to know why, without any new fact, any fresh evidence having been produced, the former decision of the House had been departed from. For himself he entered into all the feelings of compassion towards the individual, and felt the highest respect for his honourable relative, who had, whenever this business was under consideration, behaved with the greatest propriety. But all he should ask was, whether Mr. Palmer had fulfilled his contract? Had he not suborned his deputy to retard the delivery of letters when it was his duty to accelerate it?

Mr. W. Wynne, in addition to the grounds of objection stated by the right honourable gentleman opposite, felt an objection of an earlier date to this motion. If the resolution of 1808 decided this question, he would allow that they ought not now to be discussing it. But though an Act may have passed that House; yet, if thrown out by the Lords, it would be a fair subject of discussion, on being in another Session brought in again. The objection he felt was as to the legality of the original contract under which Mr. Palmer claimed. He doubted whether any Minister of the Crown had the power to mortgage any part of the public

revenue in such a way during the life of the person to whom he may think proper to grant it. The Minister, no doubt, had the command of the public purse, but should have the sanction of Parliament for such a grant in reward even of merit. He denied that all the increase of the revenue of the Post-office was to be attributed to Mr. Palmer's plan. If the House should but look to the number of canals and docks, and other public works, which had taken place all over the kingdom, they would perceive the necessary increase of that revenue from the correspondence that grew out of them. If even the agreement had been valid in the first instance, which he denied, the conduct of Mr. Palmer had been such as to set it aside, though his claim had been derived from a patent. Such was his notion of the conduct of Mr. Palmer, that he thought he might have been indicted for a conspiracy.

Sir Thomas Turton stated most decidedly, that new facts, leading to new inferences, had come out before the Committee in 1807. But the honourable Member who had just sat down had, he confessed, given quite a new view of the case. That honourable Member objected to the legality of the original agreement: but if a Minister should dare to disavow such an agreement, that House, while the public was deriving the benefit of it, would not fail to give the individual compensation. The honourable and learned gentleman, too, had said that Mr. Palmer might have been indicted for a conspiracy for his conduct. Indicted! yes, upon garbled extracts; and yet he would defy the ingenuity of that learned gentleman, or any of the learned gentlemen opposite, to frame an indictment for a conspiracy that would apply to this case. A misdemeanour it might be construed to be, but no conspiracy. The question was, whether the resolution of the House was not binding upon it to satisfy this claim. He contended it was, whilst it remained on the journals; though he was ready to admit that it might be discussed. It appeared throughout the whole of the correspondence, that Mr. Palmer's great complaint was, that he was constantly thwarted in carrying his plan into execution. He had undertaken to clear the Augean stable—that Herculean task, which, if he could have effected, would have put a stop to the practices which prevailed in the department, and left the persons employed in it to be content with their bare salaries. It was they, then, that had combined against him. It was they that had been guilty of a

conspiracy against him. Was it then for the House of Commons to refuse a just claim, because the viper who had been taken to Mr. Palmer's bosom, had stung his benefactor? It was to be recollected that this viper had got his place. If Mr. Palmer had been guilty of indiscretion, he had been punished—he had been dismissed from his office: but his contract could not be got rid off. He trusted, when it was known that the public enjoyed the benefit of the plan, that that House would give effect to its former resolution by agreeing to the motion.

Mr. Long spoke against the motion.

Mr. Whitbread wished to state shortly his opinion upon Mr. Palmer's claim, which remained precisely the same as when he last addressed the House upon the subject. He was confident that the arguments of the right honourable gentleman opposite were not such as to persuade the House to depart from the decision which it had come to three years ago, and which it had been attempted to carry into effect last year. This decision had been founded, not upon compassion, but upon the justice of the case. He besought the House to consider what had been the merits of Mr. Palmer, when it was owing to his plan that the right honourable gentleman opposite (the Chancellor of the Exchequer) had been able to make so triumphant a statement of the flourishing condition of the Post-office revenue, without any addition to the duties on postage. Without the benefit of that plan, it was impossible to obtain such a revenue. He agreed with his learned friend, that the exemption of the mail-coaches from toll, was a fraud upon the turnpike trusts; and he was glad to find the right honourable gentleman, whatever may have induced him to alter his opinion, admit, that some relief may be given to the petitioners whose petition the noble Lord (Binning), had presented, provided the report of the Committee should recommend that measure. It had been at first intended that Mr. Palmer should have had a patent; but then it was found that an Act of Parliament stood in the way, and no patent was issued. But if he had a patent, it was the opinion of the Lord Chief Justice of the Common Pleas, of Lord Erskine, of his Majesty's Attorney-General, and of his honourable and learned friend Mr. Adam, that the patent could not have been disturbed. This was the opinion of those learned persons; and he should abide by their opinion, rather than the legal opinions of the right honour-

able George Rose. Gentlemen talked of an indictment for a conspiracy, but he would not take upon him to decide whether it would or would not lie.—Some learned gentlemen were of one opinion, and some of another. One thing, however, he would mention, that a Mr. Wilson had given in a voluntary affidavit, stating that he had been instructed by Mr. Palmer to insert false items in his accounts. Upon his cross-examination, however, he said, that he had received the directions from Mr. Bonner, and that he considered Mr. Palmer and Mr. Bonner as one and the same in that respect. He was ready to stand, and to stand only, on the justice of Mr. Palmer's claims, who called upon the House of Commons this night to make good their repeated decisions. There was no man in that House who would venture to say that Mr. Palmer had been sufficiently remunerated. Was there any man on any side who could say so? If, however, there were those who thought that the sum proposed was too large, let them propose a smaller one; but let this claim not go from the House of Commons without that justice which its right demanded.

Mr. D. Giddy resisted the claims of Mr. Palmer, as made on the ground of right; but still he must say, that if he hereafter threw himself on the liberality of the House, he had not made up his mind to be entirely hostile to such an application.

Mr. Fuller said, upon his word he never heard arguments in his life more in the favour of any man than those which had been urged in favour of Mr. Palmer. The opposition to his claims arose from those whose foolish and idle adherence to Mr. Pitt led them to support all his plans. Mr. Pitt!—Poor man, he died poor!—Give Mr. Palmer his remuneration—more than a salary. What was a salary to him? He had a family and children, and he wanted to get them handsomely off his hands; and not to say to them when he was dying, "There now, you go out—out like the snuff of a candle." Why did they not refer this claim to twelve men? Why not refer it to three men, three Masters in Chancery? *(A laugh.)* The narrow policy which that House pursued with respect to private inventions, ought to cease—it had involved the nation in war. Yes, by refusing an eminent artist the paltry pittance of 100*l.* a year, he went off with his invention of flying artillery to Dumourier, and gained him his first advantages. There was a friend

of his own, too, by the bye, who had invented the famous shells that dispersed cavalry in such a style as never was seen; they would not give him any thing; because, indeed, he was a man of fortune. Thus to save a paltry sum, they ruined themselves—they lost the hog for a halfpenny-worth of tar.

The Chancellor of the Exchequer was obliged to risk even the good opinion of the honourable Baronet opposite (Sir Thomas Turton), in defence of what he considered right. If he had to reproach himself with any thing, it would be with having allowed this question to come on as it had done; a concession, however, which he had made after the example of his predecessor. The conduct of Mr. Palmer, when in office, was such, that even had he held his place under a patent, he ought to have been deprived of it. When he first made his claims, in Mr. Pitt's life-time, and near the period of his bargain, they were rejected; and after that rejection, he lay quiet till after Mr. Pitt's death, a period of eight or nine years. With what face, then, could he now appear before the House, at a distance of time in which they must be much less competent to decide the justice of his demand, than they were at a time when they judged it ought to be rejected after full investigation, and living evidence? He saw some gentlemen opposite now very ardently supporting this claim, which, convinced in his conscience he was, had it been brought forward by Government, they would without hesitation have pronounced to be one of the most flagrant and abominable jobs that ever originated with a Minister. The case was this: Mr. Palmer had for his invention received an office, connected with the faithful discharge of which he was to have a pecuniary remuneration. He had by most gross misconduct proved himself unworthy of his office, and of course his emolument ceased: yet, on his dismissal he had received 3,000*l.* a year; and with this, in his opinion, he ought to be content and grateful. The right honourable gentleman here read the correspondence of Mr. Palmer, to prove his misconduct when in office; and from a review of this, he had no hesitation in pronouncing him guilty of a gross conspiracy with those beneath him, for the purpose of frustrating the object for which he was appointed, namely, the acceleration of the distribution of letters. Having gone through the matter of the claim, he must now refer to the

manner in which it was attempted to be carried; and this he must call most unconstitutional. They were to address the Prince Regent to *advance* the money, and to promise that Parliament would make it good From what was he to advance it, or what right had they to promise that Parliament would make it good? Why should they promise for the House of Lords; and that in a matter in which they were doing all they could to frustrate their decision? In his opinion, neither the merits nor mode of this claim could be justly supported.

Mr. Sheridan said, he was particularly desirous to make some observations on what had fallen from the right honourable gentleman who had just sat down; for a more unconstitutional doctrine he had never heard delivered in that House. He believed the right honourable gentleman was the first Chancellor of the Exchequer who had ever thought it necessary to appeal to the House of Lords in a case which related to the disposal of the public money. If his doctrine were true, how came it that the Land and Malt was always voted, and the money advanced upon it, long before a Bill was brought into that House; and where had been the instance in which the Lords had signified any opposition to it? If such a thing could be supposed, the Bank would act very idly in advancing the money before the Bill had passed both Houses. With respect to the argument of not renewing the application after the year 1797, during the life-time of Mr. Pitt, he thought there was a very good reason to be given; Mr. Pitt was as persevering a man as Mr. Palmer, with rather more power at his command; but though Mr. Palmer did not actually bring forward his case before Parliament, he never ceased to keep up his claim in the memory of his friends, and to apply to them for advice how to act; and they were all of opinion, that to bring it forward again during Mr. Pitt's administration, would be at least fruitless. Mr. Sheridan said, he had it in his power to speak very decidedly on this subject, because the plan had first been shown to him when Secretary to the Treasury, during the administration of the Duke of Portland; and when that Administration went out, he told Mr. Pitt what had been the intention of that noble Duke and Lord John Cavendish; which was, to give a salary of a certain sum for life, and a per-centage. He (Mr. Sheridan) knew before this the numerous cabals and plots that were

hatched against Mr. Palmer, by those who were interested in opposing this reform; and he was convinced, in his own mind, that Mr. Palmer would stand but a poor chance if he were not permitted to clear the office of all those private opposers of what they called innovation. This was what Mr. Palmer wished to effect, and was the cause of his acting as he then did. To suppose that he had the most distant intention to diminish the revenue of the office, was evidently ridiculous. His own per-centage was a sufficient security against that, for he could not lessen the one without in an equal degree injuring the other. If Mr. Palmer had been guilty of the foul and abominable conspiracy with which the right honourable gentleman charged him, how came Mr. Pitt to give him 3,000*l.* a year? Had he been a conspirator, this would have been an act of great injustice to the public in Mr. Pitt. He (Mr. Sheridan) thought Mr. Palmer was right in accepting this 3,000*l.* a year while he could get it, though to his (Mr. Sheridan's) knowledge, Mr. Pitt had always protested against it, as a breach of the original contract. He hoped the honourable Officer, the relative of Mr. Palmer, who brought forward the present motion, would not take the advice given to him to withdraw it; but that he would depend on the honour and justice of the House, rather than its charity, which the giver of the advice had promised to procure in his favour. He (Mr. Sheridan) thought Mr. Palmer a most injured man. He now offered to give up 50,000*l.* a year, which his per-centage would have amounted to, and only asked for 50,000*l.* in the whole. This was an act of justice which he hoped the House would this night render him.

Mr. Croker, Mr. Ryder, and the Solicitor-General, spoke against the motion; and Mr. Jekyll in favour of it.

On a division, the numbers were:—

For the Motion	107
Against it	42
Majority in favour of Mr. Palmer's Claim .	65

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 22.

MR. PALMER'S CLAIM.

The Earl of Radnor called the attention of the House to the votes of the House of Commons of last night, by which it appeared, that an Address had been voted to the Prince Regent, praying his Royal Highness to order the sum of 54,000*l.* to be paid to Mr. Palmer. He wished particularly to call the attention of their Lordships to this circumstance, they having on a former occasion decided against the claim of Mr. Palmer.

The Earl of Lauderdale thought it highly proper that their Lordships' attention should be called to the circumstance; the House of Commons having, with respect to this claim, been fully aware that their Lordships had decided against it. It was destructive of their Lordships' privileges as a branch of the Legislature for the House of Commons to take upon itself to legislate, and more peculiarly, where their Lordships had previously given a solemn decision to the contrary, of which the present case was a most flagrant instance.

The Earl of Moira could not agree in the justice of the decision of their Lordships respecting Mr. Palmer's claim, and he confessed that nothing ever gave more pain to his mind than that decision. He also thought that previous to that decision, there was not a sufficient investigation of the case.

The Earl of Harrowby supported the argument of the Earl of Lauderdale, and observed that a recompence had been granted, where punishment ought to have been inflicted.

The Lord Chancellor stated, in answer to the Earl of Moira, that he was on the Committee relative to Mr. Palmer's claim, and that every attention was given to the due investigation of the subject.

The Duke of Norfolk wished to know if any notice of motion was given.

The Earl of Radnor declined giving any notice, being satisfied with having called the attention of the House to the subject.

After a few words from the Earl of Lauderdale and the Duke of Norfolk, the conversation ended.—Adjourned till Friday.

HOUSE OF COMMONS.

WEDNESDAY, MAY 22.

SECURITY FROM SHIPWRECK.

Mr. Whitbread rose to call the attention of the House to the Petition of Mr. Mallison, presented by him yesterday, praying for an inquiry into the merits of an invention for preserving the lives of seamen in cases of shipwreck. &c. The plan, he stated, had been brought forward two years ago, and the Treasurer of the Navy, he himself, and various others had subscribed, with a view to have the merits of the invention brought to the test. The result of the experiments was a favourable impression as to the utility of this plan. The invention was indeed very simple—it consisted merely of a piece of cork united by a strap, such as boys often swim upon. But the mode of application was new, and the simplicity of the thing was no good ground of objection to it. He had referred it to some naval friends, Captains Ballantyne and Paget, who had tried it, and stated that it was effectual, for that no man who had it on could sink or drown. He therefore had thought it his duty to present the Petition yesterday; and he would now move for a Committee to take it into consideration.

Mr. Croker would not oppose the appointment of a Committee, if the House thought proper to agree to the motion; but he would propose the names of some gentlemen connected with the Admiralty. This was in truth no invention at all. It was exactly what they had all often swam upon—two pieces of cork, with the addition indeed of a covering of green baize, and a strap instead of a rope. Of the eighty-seven inventions presented to the Admiralty Board within these few years, this was the worst and the most simple. Colonel Hanger had presented a very ingenious one. The Admiralty stated to him, that his invention was completely effectual for keeping a man afloat; but it was so cumbersome that he could do nothing else with it. He adverted to the furious attack made on the Admiralty Board,

by Mr. Mallison for their illegal and hellish opposition to his plan; and concluded by stating, that it was too trifling for any gentleman to waste his time upon.

Mr. Rose had no doubt, that the invention was effectual to its object, though it was certainly a very simple one. But he did not think the simplicity of the invention a serious ground of objection. It was little else than the cork jacket in use long before; but, Mr. Mallison certainly appeared to have the merit of applying it to a new purpose.

Mr. Whitbread, in reply to Mr. Croker, observed, that Mr. Hogarth, the inimitable caricaturist, had ridiculed the extravagant taste for projects, by representing a ponderous machine for drawing a cork out of a bottle. But he never before heard of an attempt to turn an useful discovery into ridicule, merely on account of its simplicity. The honourable gentleman had said, that one of the most ingenious inventions submitted to the Admiralty, was too cumbersome to enable the man who had it on to do any thing else than float. But this plan was not of this description, for a seaman who had it on might do any part of his duty. He then read an extract from a letter of Capt. Ballantyne, stating, that if he had these jackets on board, much anxiety, as to the safety of his crew, would be removed from his mind. When a boat went on dangerous service the Captains would take care that the men were furnished with these jackets.

Captain Paget stated his conviction of the utility of the plan; a conviction founded on experiments made by himself.

Mr. Charles Adams adverted to the circumstance that a man with this jacket on could do any part of his duty in the same manner as without it; a circumstance which he considered as the distinguishing feature of its merit.

Mr. Croker explained.

The motion was then agreed to, and the following gentlemen, among others, appointed to compose the Committee:—Mr. Yorke, Mr. Rose, Mr. Whitbread, General Ferguson, Mr. W. Pole, Admiral Harvey, Lord Castlereagh, and Captain Paget: to whom the following gentlemen were added by Mr. Croker—Sir Richard Bickerton, Mr. Buller, Mr. Robinson, and Captain Beresford.

COTTON WOOL.

Mr. Perceval moved the committal of the Cotton Wool Duty Bill.

Sir Robert Peele oposed it on the ground of the impolicy of imposing a tax upon the raw material, especially at a time when the cotton manufacturers were starving. There was hardly an instance in which a tax had been laid on the raw material. He hoped this tax would not be persevered in, and inquired of the honourable gentleman opposite, one of the members for the county of Lancaster, whether any application had been made to him on the subject.

Colonel Stanley stated that a general meeting had been proposed; but whether it took place or not, he had not as yet heard. At all events, therefore, he hoped that if this Bill could bear delay, it would be postponed for some days till he heard from his constituents.

Mr. Rose had no idea that any of the evils contemplated by the honourable Baronet behind him would result from this tax. He stated that duties had been imposed on tallow and other raw materials.

Mr. A. Baring opposed the Bill as pregnant with danger and mischief to the country. When gentlemen had screwed up their courage to bring forward the Budget, it was pleasant, no doubt, to be informed that the dreaded new taxes had already been imposed. But there was this inconvenience in departing from the old mode of proposing the taxes, if any new taxes were to be imposed at the time of bringing forward the Budget, that those concerned had not sufficient notice of these Bills. The consequence was, that most pernicious plans of taxation might be carried into effect, while those chiefly interested were ignorant that any such thing was in contemplation. He admitted that taxes had unfortunately, at times, been imposed on raw materials —but these were comparatively harmless, because the amount was trifling. Here, however, the tax amounted to about 33 per cent. If the state of Europe had not been been very much changed, Ministers would never have ventured to impose a tax on the raw material, as the manufactures of Germany, &c. would have, in that case, driven ours out of the market. But he reminded them that the cotton manufactory was a very growing one in the United

States—that a great number of cotton mills had been established in the neighbourhood of Boston—and that the United States already exported a large quantity of cotton twist. The whole quantity of cotton wool imported was 1,449,000 bags, and of this only 40,000 were imported from our own colonies. The United States preferred our manufactures, which was not the case with the inhabitants of Brazil. He was fully aware that America was at present commercially hostile to it, and all he wished to impress was, the danger to ourselves of adopting measures which we could not afterwards counteract. The branch of manufactures affected by this tax was one of the very first importance; and if it should be injured, the subsequent lowering of the duty would not avail to remedy the evil. He thought the raw material a very injudicious object of taxation, and more particularly as it was directed against our best customers. Sheeps' wool, in his opinion, was a much fitter article, whatever might be at first the prejudices of the country gentlemen against any imposts upon it. Our cotton manufactures might be undersold or excluded, but our woollens could not be rivalled. Under all these circumstances, he hoped the right honourable the Chancellor of the Exchequer would consent to postpone the motion for a few days.

Mr. Perceval expressed much surprize at the exaggerated statements of the honourable gentleman. He contended that the duties had not hitherto depressed the manufacture, and that the price of cotton wool, which varied still from 12*d.* to 2*s.* 6*d.* clearly shewed that an additional tax of 1*d.* could have no prejudicial influence. In the last year we had imported 136,000,000lbs., while the average of the preceding six years was but 70,000,000lbs. From America last year we received only 55,000,000 about one third of the whole quantity. He was aware that the East-India cotton wool was inferior to that of America, but that of America was also inferior to that of Brazil. But when the House reflected on the relations of this country and America, they would see the policy of persevering in the present measure. If, instead of increasing the duty as it regarded America, for the purpose of encouraging our own shipping, we were to take off the existing duties, the effect would not be to introduce a single yard more of our manufactures into the American States.

Mr. Whitbread could not help feeling much astonish-

ment that the right honourable gentleman should oppose the request of some short delay on a question of such importance, urged as that request was by the member for Lancaster, by an opulent and respectable manufacturer (one who conscientiously supported his Administration, and who ought to have been consulted on this occasion), and by an enlightened merchant connected with the American trade. What a display was this to the country at a period when there were petitions on the table from 30,000 manufacturers, complaining that they were reduced to a state of starvation? At this very moment, with a levity and precipitation almost unprecedented, the right honourable gentleman, without consulting those most capable of rendering information, proposes a new tax upon the raw material of our cotton manufactures. This was ingeniously introduced into the House, to prevent alarm, and in order to steal a march upon it, under the name of regulation, and to avoid the term of a new tax. So it was with the duty on spirits. Was it not the recorded opinion of the House of Commons that to tax the raw material of American produce imported, was an unsound policy? The right honourable gentleman said our manufactures had continued to flourish. True! they had flourished speciously, but not securely, as was too clearly evinced by the late issue of Exchequer-bills, to relieve the merchants from that ruin which a perseverance in the right honourable gentleman's policy must finally bring down upon them. If any thing could rouse this country to a sense of its future dangers, it was their political and commercial relations with America. He intended before the the end of the Session to move for the production of the correspondence between Mr. Pinkney and the Marquis Wellesley, and to bring the state of those relations then under consideration. Mr. Whitbread then proceeded to comment on the inconsistency of the Chancellor of the Exchequer's late statements of the financial resources of the country with his present arguments, on the entire exclusion of British commerce; both from the ports of Europe and of the United States.

Mr. Wharton moved that the Cotton Wool Duty Bill be printed. Ordered.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 23.

THEATRES.

Mr. Taylor, after a short speech on the ill effects of monopoly in the drama, moved that a select Committee be appointed to consider the state of the dramatic and scenic representation as affected by the present monopoly, and to report their observations thereon.

Mr. Whitbread was greatly surprised that the honourable member should make such a motion, after what had so lately passed, or that he could find any one to second his motion. Now, that the accounts of Drury-Lane Theatre were newly disentangled, the proprietors satisfied, and a new scheme for re-building in full progress, it was strange that an honourable member should think he had found out the proper time for throwing the whole into confusion. He was quite sure the honourable member did not mean to exhibit any hostility to the interests of the sufferers at Drury-lane, but he must have been conscious that the appointment of a Committee to inquire into the abstract merits of any question touching the monopoly, must tend to throw cold water upon the present public inclination to the undertaking. If it was objected that there were not theatres enough, why not wait for the re-building of Drury-lane, and then ascertain whether more were wanted? A misconception had gone abroad relative to the nature of the Drury-lane patent. So well was Parliament convinced of its solidity, that the subscribers to the rebuilding were, by the Act of Parliament, enjoined to pay in the first instance a large proportion for the patent. He had no idea that the House could entertain the motion after what it had lately done, and would advise the honourable member to withdraw it.

Mr. Taylor, after a few words in a low tone, withdrew the motion.

INDIA AFFAIRS.

Mr. Dundas moved the second reading of the India Bonds Bill.

Lord Folkestone, after a few observations opposed the motion.

Mr. Wallace supported it.

Mr. Creevey thought that this was only another announcement of the coming bankruptcy of the Company. They were already seven millions worse than beggars, and they now were coming to confess it.

Mr. Dundas thought the honourable member totally misunderstood the question. The Company were not coming for a loan, but merely to ask leave to make a transfer of debt from a country where they paid ten per cent. interest, to one where they paid only five. This was literally the case with respect to the two millions which were about to be raised. The honourable member seemed to think the debts of an immense empire were only to be looked on as the debts of a trader. England owed five or six hundred millions; and though she could not pay it at a moment, was she to be pronounced bankrupt? There was no deficit in the revenue of the year, whose accounts had been already presented; there was a surplus of some hundred thousand pounds. By Lord Minto's able management, the interest of the debt in India was reduced from twelve, ten, and nine per cent. to six. The amount of cash in the Treasury of India was actually above twelve millions sterling, and the debt which would be paid off this year would be at least six millions. (*Hear!*) There must be a surplus of revenue in the coming year.

The question was then put, and carried without a division.

MILITIA INTERCHANGE.

Mr. Ryder rose to move the second reading of the Bill for the Interchange of the English and Irish Militias.

Colonel Stanley opposed the Bill as injurious to the Militia principle: that principle had been greatly encroached on already, and the present step would go near to put an end to that system of constitutional defence. He had gone to Ireland with his regiment voluntarily, but he would not now go by compulsion. He wished very well to Ireland, but he really did not think that the measure would be good for that country. As an old Militia officer, he must oppose the Bill.

Mr. Eliot could not see the necessity of the measure, and he must learn its wisdom from somebody else. He thought

the Bill would be apt to introduce an unsoldiery spirit into the Militia. An option of going was to be given, as he understood the Bill; but this very option was the worst form of making the service of the country acceptable. The officers in some regiments would choose to go to Ireland; in others the men would choose it; and a disagreement would arise between the men and their officers. The spirit of canvassing would be excited among the soldiers: there would be an Irish and an English party. Those gentlemen of Ireland, who were most necessary to such a country, would be taken away, and all those inconveniencies were to be raised without the pretence of a necessity.

Mr. Secretary Ryder could not agree to postponing it, because he saw no possible advantage to be derived from such a delay. He had the opinions of many Militia Officers in favour of the Bill, and was of opinion, that even if the Bill were deferred for the sake of canvassing opinions on the subject, that the result would be an accession of advocates for it. He could not agree that there would be any additional expence annexed by it to the Officers of the Militia, and thought the only inconvenience would be but a few hours' sail between this country and Ireland. He was willing to pay every tribute to the eloquence with which a gallant officer opposite (Colonel Stanley) had at such length opposed the measure; but still, so convinced was he of the patriotism and good sense of that gallant Officer, that he was persuaded, even should he resign in consequence of personal inconvenience on account of his age, that he would inculcate its advantages on that part of the country in which he had such influence. With respect to the Catholic soldier, all he could say was, that care was taken that he should remain on the same footing as to his religion as he stood at this moment.

The Bill was read a second time, and ordered to be committed.—Adjourned.

HOUSE OF LORDS,

FRIDAY, MAY 24.

MR. PALMER'S CLAIM.

On our re-admission soon after prayers, we found *The Earl of Liverpool* upon his legs, speaking in answer to something that had been said by the Earl of Rad-

nor, relative to the vote of the House of Commons in favour of Mr. Palmer's claim. His Lordship said, that this, he believed, was the first instance in which the House of Commons had voted a sum of money after the House of Lords had decided against the grant, for it should be recollected that this was brought forward in the nature of a debt on the part of the public, and their Lordships had, after investigating the claim, decided that there was no ground for it. He requested, however, that the noble Earl would consent to postpone the motion until after the answer of the Prince Regent to the Address of the House of Commons appeared in the votes of that House, as he had no hesitation in saying, that the confidential servants of the Prince Regent would feel it to be their duty to advise his Royal Highness not to give directions for issuing the money, without some proceeding which had the concurrence of the House of Lords.

CRIMINAL LAW.

The order of the day having been read for the second reading of the first of the five Criminal Law Bills, namely, respecting stealing in shops, warehouses, &c.

Lord Holland entered into a discussion of the whole of the five Bills, consisting of that respecting stealing in shops, &c. one relative to stealing in dwelling-houses, another to stealing in navigable rivers, &c. and two respecting stealing from bleaching grounds in England and Ireland. His Lordship, after describing the nature and object of the Bills, in substituting a mitigated punishment for that of death, went over many of the grounds upon which the same principle was formerly discussed, and observed, that the increase of the offences to which these Bills applied, proved that the terror occasioned by holding out the punishment of death, had not the effect which those who argued against these Bills asserted. On the contrary, from the severity of the law on these points, as it at present stood, there was an indisposition on the part of persons who had been robbed to prosecute—on the part of Juries to bring in verdicts to the extent of offence charged—and on the part of Judges to execute the law with rigour. Thus it was that offenders, instead of being terrified by the enactments of the punishment of death, were almost certain of escaping that punishment; and the idea that it was an escape in being sentenced to the mitigated punishment of transportation, was ill cal-

culated to discourage the commission of offences; whilst, on the other hand, the certainty of that punishment of transportation would inspire more fear, and tend more effectually to prevent the offences from being committed.—From the current of public opinion against the extreme severity of the law, the practice of the Courts of Justice had become completely at variance with the law itself; it was surely, therefore, high time to assimilate the law to the practice, and to get rid of the glaring absurdities of this contradiction between the law and the practice. As to the argument, that the offence of privately stealing from the person had increased since passing the Act substituting transportation for the punishment of death, he contended, that it was founded in fallacy, the apparent increase merely arising from the number of prosecutions having, as might be expected, at first increased from persons being more willing to prosecute, now the punishment of death was taken away. His Lordship concluded by moving, that the Bill be now read a second time; and observed, that with respect to the two Bleaching-ground Bills, there was an additional argument in their favour, from the circumstance of the persons, whose property they were intended to affect, having petitioned to have a more mitigated punishment substituted for death, on the ground, that the enactment of the latter punishment, which was scarcely ever inflicted, did not contribute to the protection of that property.

Lord Ellenborough contended, that the only practicable efficient system of criminal law was that which gave to the Judges the discretion of inflicting the higher punishment upon the greater aggravation of offence in each class of offences, and proportioning punishment in lesser degrees to lesser degrees of guilt. Upon this principle he was of opinion, that the punishment of death ought to remain as that applicable to the highest aggravation of offence in each class, filling up the intermediate space between that highest aggravation of offence and its lowest degrees, in the apportionment of punishment, with the discretion of the Judge. There was no other practicable system. A graduated scale of punishments, for different degrees of guilt in each class of offences, was absurd in theory, and impossible in practice. By the certainty of punishment of which the noble Lord spoke, must be meant the uniformity of punishment for the same description of offence;

and there could be no greater error, than inflicting the same punishment for the same species of offence, without adverting to the different degrees of guilt attendant upon the commission of that offence. The highest aggravation of the offence could not, under such a system, receive an adequate punishment. His Lordship recurred to some of the arguments before used upon this subject, and observed, with respect to the Act which took away the punishment of death from the offence of privately stealing from the person, that the fact was, that since the passing of that Act, the offence had increased, and been attended by more dangerous and mischievous accompaniments;—those who were caught in attempting to pick pockets, not scrupling now to turn again and attack those whose property they had attempted to purloin. With respect to the two Bleaching-grounds Bills, he did not intend to object to them, the persons whose property the law upon that subject was intended to protect, having solicited the substitution of these Bills, he must assume that they were the best judges of their own interests. With respect, however, to the other three Bills, he felt it to be his duty to oppose them; and his opinion upon this subject was strengthened by that of those who were most experienced in the practice of Courts of Justice. The law, as it stood, was, he was convinced, the best calculated to prevent the commission of the offences, the punishment of which it was now sought to alter, it leaving that discretion in the hands of the Judges; which, however painful to them in its exercise, was the best and the only practicable security for the apportionment of punishment, in proportion to the aggravation of the offence, and to the greater or lesser degree of guilt.—His Lordship concluded by moving, that the Bill be read a second time this day six months.

Lord Lauderdale regretted, in strong terms, the thin state of the House, in which a subject of such importance was about to be discussed. He dissented from many positions laid down by the noble and learned Lord who had preceded him, but from none more widely than that strange assertion, that the proposed changes in our criminal code were to be traced to the wild theories of modern philosophy. (*Hear!*) If so, then were the alterations in the revenue laws, by which it was proposed to commute the punishment of death for that of transportation, in seventy-five instances; a change which was alleged to have been

approved of by two learned Judges—then were these alterations to be traced to modern philosophy. The noble Lord then proceeded to comment upon the prevalence of hope in the human mind, and upon the resistless influence that principle must have in removing all apprehension of the punishment of death in cases where, in a thousand instances to one, no capital punishment occurred. He concluded by an eulogium on the character of the learned person with whom the Bills had originated, and expressed a hope that, though the then unfortunate state of the House might prove fatal to the Bill, that learned and honourable gentleman would persevere till his laudable exertions met with their merited success.

The Lord Chancellor enforced many of the arguments used by the Lord Chief Justice. The certainty of punishment was a phrase that perhaps was not well considered by those who most frequently adopted it in the course of this argument in and out of doors. He instanced the crimes of burglary, horse-stealing, and sheep-stealing, and cited cases of each to shew the impossibility of apportioning accurately the scale of punishment to the degree of the offence by general enactments. He contrasted two cases of burglary, one where the criminal had gone armed with pistols and manacles to bind those who should resist; another, where a boy was trained to cut with a diamond, or some such instrument, a pane of glass in a shopkeeper's window, in Fleet-street, and then putting in his hand and taking out a gold seal or other article. Each of these was a burglary, but the guilt of both were very different. A man, till that time of fair character, was convicted of stealing a horse, worth fifteen shillings. It appeared that he was seduced to this, his first offence, by extreme poverty; while another fellow was convicted, at the same assizes, of the same offence, of which it was known he had made an habitual trade—a trade, too, that had thrived so well with him, that he had false keys to every turnpike gate within twenty miles of London, for the purpose of facilitating the escape of the stolen horses. These instances were but a few, amongst the many, to shew the gradation that must exist amongst crimes of the same denomination. It had been said, that the fear of prosecuting to death deterred the prosecutor from prosecuting, the witnesses from giving their evidence, and the Jury from convicting: but if the fear of death was to be allowed all this weight with respect

to the prosecutor, the witness, and the Jury, be thought that it should not be denied its due influence also in preventing the commission of the offence.

Lord Erskine said, that when he considered that the people of this country were the most religious and the most moral people in the world, and that the administration of justice was pure beyond all suspicion, he could not help thinking that the evils which the proposed Bills professed to remedy were owing to some radical defect in our criminal code. The principle which struck him, in his view of this question, was, that where a certain punishment was attached to a crime of a certain denomination, and that the generality of the offenders, or even some portion of them, did undergo that punishment; that here, where those who were spared, were spared on the ground of mitigation; that in that case he should be warranted in concluding, that the Legislature thought that that punishment should remain attached to that crime; but if he saw that, amongst a thousand instances, in but one of them the punishment was allowed to take effect, then should he think himself as warranted in concluding that the Legislature did not think that that order of crime should not be visited by that species of punishment.

Lord Redesdale opposed the Bill.

Lord Liverpool contended, that the Bill came before their Lordships upon no other ground than that of theory, and that all practical experience was against it.

The Marquis of Lansdowne, in a neat speech, contended, that the practical inference from the testimony of practical men, most competent to form a proper judgment of the question before the House, was directly favourable to the opinion, that the difficulty of ultimately awarding punishment was enhanced by its uncertainty. The present Bills did not remove the exercise of a considerable discretion from the Judges, for it left with them the power of transporting for a limited time, or to commute that punishment for hard labour. The noble Marquis then, after many further observations, dwelt with great force on the necessity, in a free country, of giving to every legislative proceeding the moral sense and approbation of the people.

Lord Holland replied shortly, but with considerable eloquence, to the arguments ably urged by his noble and learned friend (Lord Ellenborough), and by the noble and learned Lord on the Woolsack. He was sorry to observe

that the noble Lord (Ellenborough) had said, that he conceived there was a malignant intention to attack and calumniate the Judges of the day. He had hoped, that the cry of Jacobinism would not have been renewed on this occasion. The whole of the noble and learned Lord's speech was founded on a fallacy, and the perverted use of the term *prosecutor*. The fact was, that the persons injured by offenders, should have been referred to generally, and not the few who prosecuted out of the number who declined it from a consciousness of the unjust severity of the law. The noble Lord then adverted to several other points in the debate, but we regret that the lateness of the hour till which the House sat, prevents us from entering into a detailed report.

The question being put, a division was called for, when there appeared,

For Lord Holland's motion .	10
Against it	27
Majority against it . .	17

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 24.

Lord John Thynne reported the answer of his Royal Highness the Prince Regent, to the Address of the House respecting Mr. Palmer's claims, the import of which we understood to be, that it was his Royal Highness's intention to comply with the object of the Address, as soon as Parliament should enable him to make good the grant.

On the motion for the second reading of the Charitable Donation Bill,

Lord Folkestone stated, that an application had been made to him on the part of several charitable institutions, to procure the insertion of a clause to exempt them from the operation of the Legacy Tax. He merely mentioned this, however, with the view of submitting it to the future attention of the Chancellor of the Exchequer.

COTTON WOOL DUTY BILL.

The House then went into a Committee on the Cotton Wool Duty Bill; upon which Mr. Rose observed, that although every inquiry he had made served to convince him of the futility of the objections urged against this measure, yet, as there were great prejudices against it in the minds of the labouring manufacturers, he would not press the Bill further.

After a few words from Sir R. Peel and Mr. Whitbread,

The Chancellor of the Exchequer said, that from the ample provision made for the service of the present year, he should not be under the necessity of proposing any new tax in lieu of it.

PAROCHIAL POOR BILL.

Mr. Morris contended that this Bill would be oppressive or nugatory in its effects, and moved therefore that it be postponed to this day six months.

Mr. Lockhart defended it as necessary in consequence of the combination of landlords to keep down the wages of the labouring poor.

Sir Samuel Romilly opposed the Bill. He objected to whatever tended to increase the difficulty of obtaining a settlement. He had a journeyman printer removed to a part of the country where there was no press; and it often happened in removing a pauper from one end of the kingdom to another, and the litigation attending it, that more expence was incurred than three times the amount of what would have maintained the pauper all the rest of his life. He said he would rather have been the author of the Bill which removed a great part of the hardships relating to settlements, than of any other Bill which passed during his Majesty's long reign.

The Chancellor of the Exchequer observed there were advantages and disadvantages attending the facility of settlements. If a stranger by the present laws should be merely forty days in a place and should be taken with sickness, however distant he might be from his connexions, he was compelled to remain there. If he were to speculate any alteration on the law of Settlement, it would be to render the period of residence longer, and to reduce the value of the tenement. With regard to

the Poor Laws of England, when he considered that the country had grown to what it is under these Poor Laws, (for the prosperity of the country might be said to commence with the reign of Elizabeth), and when he considered what comforts had been enjoyed by all ranks of the community during the existence of these laws, he could not help looking on them with a favourable eye. He could not help looking favourably on those laws which engrafted charity into our constitution, and by which every individual in the country had a stake in it. Our poor were not, as in other countries, mere outcasts and dependent on the voluntary bounty of others, but had a legal inheritance in their country.

Mr. W. Adam said, the country was groaning under the poor laws. He referred to the example of Scotland. There were there no poor laws, and yet the poor were well taken care of by their friends in their old age. There was a principle communicated by Dr. Franklin to the late Sir Wm. Pulteney relative to the poor laws, which deserved consideration, namely, to take the poor rates of a given year, and there stop, by which means all ranks would be interested in the administration of the laws.

The House then divided—For the Bill 7—Against it 49—Majority against it 42.

POWER OF THE HOUSE OF COMMONS.

Mr. Whitbread stated, that having observed that in another place there were persons who disputed either the will or the power of that House to make good to the Prince Regent monies issued by him by order of that House, he should take an early opportunity to call the attention of the House to that subject.

VOLUNTEER SEAMEN AND SUBSTITUTES.

Mr. Croker, in answer to a question put to him last night by Mr. Whitbread, on the subject of a fund arising from the discharge of seamen and landsmen from the Navy, stated that it had arisen in consequence of its having been found that the whole business of providing volunteers or substitutes for men who wished to be got out of the navy had found its way entirely into the hands of a set of crimps, who had been in the use of charging one hundred guineas for a substitute for an able seaman, and fifty guineas for an able landsman, while in fact the substitutes so provided by them made no addition to the Navy, but were entirely composed of men who had come to volunteer into the Navy,

and had been seduced by these crimps to offer their services to them for less than half the sum they charged.—The impostures practised by these miscreants on the unfortunate individuals who required their assistance were such as to induce the Navy Board to attempt something for their relief.—In many instances where the money to procure the discharge of a person from the Navy had been taken, and the discharge had been promised immediately, an interval even of two years had elapsed, and in some cases, the death of the party sought to be discharged, even had intervened. In this way, had the families of unfortunate men whose discharge they were anxious to procure, not only been reduced to misery, but their fondest hopes been disappointed. To prevent such evils and facilitate the return to their families of those for whom it was desired that substitutes should be furnished, the Navy Board had taken the matter into their own hands, and had so arranged, that persons who were to be discharged for substitutes should be so discharged immediately, on payment of eighty guineas for an able seaman, and forty guineas for an able landsman. The money thus arising was formed into a fund, at the rendezvous; and he was happy to say, the number of men thus raised equalled the whole number who had formerly been accustomed to volunteer.

Mr. Whitbread declared himself satisfied, and was convinced the public must be so too. If any person afterwards put himself into the hands of a crimp, he thought he would be himself alone to blame.

IRISH CUSTOMS.

The Irish Customs Bill was committed.

Mr. Bankes strongly objected to the system on which the taxes of Ireland were collected. He considered it as very impolitic to lay an additional duty on tobacco, as was done by this Bill—the article being so easily smuggled. It would be worth while to endeavour to introduce some modification of the Property Tax in Ireland—a tax which was collected with comparatively little expence.

Mr. Macnaughton observed, that if this was the benefit the honourable gentleman would confer on Ireland, he wished him to have little to do with the affairs of that country.—This was the tax which his constituents most dreaded, and he hoped that in addition to the liberality of paying the interest of a portion of the Irish Loan, gen-

themen would still keep Ireland free from the Property Tax.

Mr. Bankes said, that he would certainly point out whatever he thought for the permanent advantage of Ireland, however disagreeable it might be for a time to the feelings of the people of that country. Ireland had, by the decrease of her revenue, become a burthen on England, which it would not have done if its finances had been properly managed.

Mr. Foster warmly observed, that he could not sit still and hear the assertion, that Ireland had become a burthen on England. Who called for the Union? Had Ireland desired it? He had voted against the Union—but as it had taken place, he thought, in the circumstances of the country, it would be mischievous to repeal it. If, however, he heard it asserted, that Ireland was a burthen on England, he would say, throw off that burthen—take back your Union.

Mr. Bankes, in explanation, said that he had not made the observation in the invidious sense which the honourable gentleman seemed to attach to it. But it was not to be denied that England bore part of the burthen of the Irish Loan; and he had given it as his opinion, that if the finances of Ireland had been properly managed, there would have been no occasion for that measure.

Mr. Macnaughton thought that the honourable gentleman (Mr. Bankes) must be an Irishman himself, since he had proposed a modification of the Property Tax in Ireland—that tax not existing in that country. (*A loud laugh.*)—He should be extremely happy that the honourable gentleman should attend to Irish affairs, provided he confined himself to such projects as that. But he had not said absolutely that the honourable gentleman ought not to meddle with the affairs of Ireland.

Mr. Hutchinson supported the objection to the additional duty on tobacco. The article was easily smuggled, and there was a greater facility for smuggling in the western parts of Ireland than in any part of Great Britain. He then mentioned that he had received a letter from the president of the Society of Merchants at Cork, authorizing him to state, that their trade had materially suffered from the hurried manner in which Bills affecting it passed that House. He also objected to the duty on American timber, which would raise the price of all other timber in Ireland.

Report to-morrow.

Mr. Bankes moved for a Copy of the Memorial presented by the Attorney and Solicitor General of Ireland, and Counsel to the Board of Customs, to the Lord Lieutenant, on the subject of the Report of the Commissioners of Inquiry. Ordered.

IRISH ADVERTISEMENTS.

Sir John Newport moved for leave to bring in a Bill to repeal the additional duty imposed by Mr. Foster on Irish Advertisements and Hand-bills. This he did on the ground that it was a check upon the liberty of the press, and a violation of the Act of Union, which provided that no higher duties should be laid on articles in Ireland, than were laid on the same articles in England. The object was, besides, a paltry one; the produce in revenue being only 2,500*l.*

Mr. Foster denied that this was at all intended as an attack on the press; neither was it a violation of the Act of Union. The right honourable gentleman had himself imposed higher taxes on articles in Ireland than the same articles were subject to in England. Had he not imposed a tax on jaunting cars? (*A laugh.*) Had he not imposed a higher tax on public-house licences, and various other articles? If this tax was done away, he must propose another.

Mr. Sheridan—"I really cannot help remarking the surprising change of temper which has so suddenly manifested itself in the right honourable gentleman. A few months ago, when the honourable gentleman below me (Mr. Bankes) said that Ireland was a burthen upon England, he was instantly all on fire—and well he might—if Ireland is a burthen upon England, where are you to seek the reason? Where but in the oppression, the injustice, and the tyranny of this country, which has so long enthralled Ireland—which has debased her for three centuries? I do not wonder, however, at the sudden good humour of the right honourable gentleman. I hear a few of the worthy gentlemen opposite have been *amusing themselves this evening*. (*A laugh.*) Really I am very far from blaming them—indeed I am one of the last in the House that would desire to interrupt their *diversion*. (*Hear! hear!*) The right honourable gentleman had said, if the Union is to be violated, it is best to repeal it at once: now, all that the honourable gentleman has done with respect to the press is a violation of the Act of Union; a violation of that clause which says that no

tax is to be raised in Ireland higher than in England. It will not be the least excuse for him to say, that my honourable friend beside me did so too. Even if it was the fact, it would not excuse his following a bad example: but my worthy friend did no such thing. He taxed jaunting cars—there are no jaunting cars in England; so the case does not hold there. He taxed licences; but licences are not articles of taxation, but police regulation: so there also he is in error. In fact he has not made out a single case where my right honourable friend has violated the Act of Union, (Mr. Foster and Mr. Perceval here appeared to converse.) I should be obliged to the honourable gentleman for his attention, though, perhaps, it would be more politic in me to let him continue his hints to his right honourable friend; indeed I shall lose but little by his instilling a few of his arguments to-night into the ear of the gentleman beside him. (*Hear!*) I turn, however, to the honourable gentleman below (Mr. Bankes), who has had the hardihood to say, this night, that Ireland cannot support her own Government. It is not so. She can support her fair proportion; but she cannot, nor ought she, to be required to advance an over-rated quota to the general defence of the whole empire. See what Ireland is doing for you—see her sacrificing her courage—her best blood in your defence; and can you in return basely reproach her with poverty? (*Hear!*) You have no right to do so. If she is poor, she has become so in your support. Spare her, then, the mortification of hearing she owes that to your gratitude, which she has a right to claim not from your bounty but your justice. It has been said that the press cannot be hurt by raising the duty on advertisements. There are three ways of destroying the liberty of the press; one is by oppressive Acts of Parliament, another is by *ex-officio* informations, and the unconstitutional banishment of printers to distant gaols; (*Hear! hear!*) and the third is by raising the price of cheap publications. This—and this is the way resorted to in Ireland—is a mean, a cowardly, and a circuitous attempt. I have ever been a firm friend to the press, and while I live I shall continue so. I fear no corruption either in the State, or the Government, while the press exists. Against venal Lords, Commons, or Juries—against despotism of any kind, or in any shape—let me but array a free press, and the liberty of England shall stand unshaken." (*Hear! hear!*)

The Chancellor of the Exchequer observed, that two objections were stated to the Irish Advertisement Tax—1st, That it was a violation of the articles of Union—And, 2dly, That it was heavier than the Advertisement Tax in England. With respect to the allegation, that the tax was greater in Ireland than in England, he was perfectly willing to put the two countries on the same footing. This would not be accepted, he had no doubt, by the Irish members. He denied that this tax was a violation of the articles of Union. It was no reason that the duty in Ireland should not be equal to that in England, that the one country was poorer than the other. This might also be applied to the poorer country of Scotland, and to Cornwall, compared with the county of Middlesex. The tax levied might be less in amount, but that was no reason for not laying on an equal duty. He denied that Ireland was to be considered in the light of a burthen on England. We were not to estimate the value of Ireland by the amount of her revenue; and when we contributed four or five millions towards the deficiency of that revenue, it was not from generosity towards Ireland, but from a regard to our own interest; for Ireland was always to be considered as a main limb of the empire. He objected to what had been said by the right hon. gentleman (Mr. Sheridan) regarding informations, and the unconstitutional mode of sending persons to distant prisons by the caprice of courts of law. Surely this was saying too much. If he wished to reform the laws, let him say so at once—but a purer administration of justice did not exist under Heaven than that in this country. The right hon. gentleman had in stating the annual amount of the tax at 2,500*l.* not reflected that this was merely the amount of the produce of five months.

Mr. Sheridan explained. He perhaps ought not to have used the word caprice; but he objected to the administration of the laws being left to the irresponsible discretion of any court whatever; and he should, next Session, bring forward a bill relative to this subject.

Mr. Ponsonby said, that the proportion of 2 to 3 between Ireland and England, was as much as Ireland was able to bear.

Mr. Parnell said, that there had been a system of oppression towards the press of Ireland followed up by the Government of that country; and he instanced the Government

proclamations, and the way of managing the expresses from England.

Colonel Barry opposed the motion.

Mr. Shaw said the right honourable gentleman (Mr. Foster), while proposing the taxes on Irish Advertisements, had stated, that as the price of Irish newspapers was only two-thirds of the English, the Irish advertisements should bear the same proportion. But was this the case? The tax had also been unproductive, and it was not enough to say that this was owing to the Irish editors; for they were as much interested in the increase of advertisements as the Government was, and would certainly never leave out an advertisement, the duty of which did not fall on them, and for which they were to be paid for the insertion.

Sir John Newport maintained, that the tax was a violation of the Articles of Union.

The House then divided;

For the motion 21—Against it 51—Majority 30.

Adjourned.

HOUSE OF LORDS.

SATURDAY, MAY 25.

At four o'clock their Lordships met, when the following Bills received the Royal Assent by Commission, viz. the Copper Duty Bill, the Bristol Port Bill, the Calico Weaving Bill, the South Sea Fishery Bill, the Bank of Ireland Security Bill, the Irish Militia Enlistment Bill, the Cinque Ports Jurisdiction Bill, and fifteen Private Bills. The Commissioners were the Lord Chancellor, the Earl of Liverpool, and Lord Walsingham.

Adjourned.

HOUSE OF COMMONS.

SATURDAY, MAY 25.

PRIVILEGES OF THE HOUSE.

Mr. Whitbread said, that he came down to the House to-day, for the purpose of renewing a notice which he had given last night, on the subject of the Message received from his royal highness the Prince Regent, in answer to the

Address of the House relative to Mr. Palmer's claims. The answer which his Royal Highness had been advised by Ministers to give to this Address, conveyed the grossest possible insult on that House, going, as it did, to express a doubt of the inclination, or of the ability of the House to make good any sums which his Royal Highness might order to be issued in consequence of an Address of that House. He (Mr. Whitbread) had given his notice on this subject, in consequence of having seen a printed paper, purporting to give an account of the proceedings in another place, in which it was stated, that his Majesty's Ministers had advised the Prince Regent not to accede to the recommendation of the House. Nothing but imperious duty could have induced him to postpone such a motion beyond the earliest possible moment at which it could be brought forward; but he was under an absolute necessity of going to the country, and could not be in the House sooner than Thursday; he therefore now gave notice, that if no other member chose to bring the matter under the consideration of the House before that day, he should then submit a motion on the subject, although he should thereby be obliged to postpone another matter of importance which stood for that day, it being his intention that the present subject should take the precedence. He now moved, that the Answer of his royal highness the Prince Regent to the Address of that House be read.

Mr. Perceval said, he had no objection either to the reading of the Prince Regent's Answer to the Address of the House, or to the motion of the honourable gentleman, whenever he should bring it forward. He was not afraid of shewing, that there was nothing disrespectful to the House in that answer. Ministers advised his Royal Highness, that consistently with the nature of the high office he had taken on himself, he ought not at present to order the advance to be made; and he (Mr. Perceval) accepted of the challenge of the honourable gentleman on this subject, and should shew that his view of the question was founded completely on mistake.

Mr. C. W. Wynne said there was no precedent for such an answer to an Address of the House, as that which the Prince Regent had in this case been advised to send. It went to take up by the roots the privileges of that House, asserted by them at different periods since the Revolution. (*Hear, hear!*) He thought it impossible to say, that their privileges were not affected by this answer to their Address,

and regretted that his honourable friend must postpone his motion on the subject so long, as it was a question with which nothing should be suffered to interfere. He proceeded to notice a grant made to Mr. Webber, in the year 1785, in consequence of a Resolution of the House. He thought that in this case the House had exercised their privilege injudiciously; he should not shrink from his opinion in this respect, but still that did not affect the power of granting, which was not thereby diminished. To say that the Prince Regent had here been rightly advised, would be to hold that on every occasion, even where a public monument was to be erected, the consent of the other House of Parliament must previously be obtained. If so, why had they not gone to obtain their concurrence to the payment of the debts of Earl Chatham or of Mr. Pitt; and still more strongly, why, in 1758, had they taken upon themselves to order £50,000*l.* to be issued for the increase of the Judges Salaries.

Mr. Perceval, without disputing the privileges of the House, should be able to shew that the Prince Regent had been properly advised.

Mr. Whitbread explained, when the Prince Regent's answer was read, stating that he should be ready to give effect to the recommendation of the House, when the means for doing so were provided by Parliament.

FLOGGING LOCAL MILITIA.

Sir Francis Burdett rose to call the attention of the House to a subject upon which he meant to make a motion, but which he would not now press, if it was the sense of the House that it ought to be postponed. He held in his hand a written statement from a respectable gentleman at Liverpool, upon the authenticity of which he had every reason to place reliance, and which with the permission of the House he would read.—The letter stated, that during the period on which the Local Militia was recently called out at Liverpool, a private of the 8th company in the regiment, named Taylor, had written a song respecting the service of the Local Militia, the circumstances of their treatment on duty, and the bread served out to them while embodied. This song he had sung among his comrades, and afterwards sent the manuscript to a printer's to have a number struck off. The printer, however, before he published, thought it necessary to submit a copy for the perusal of Colonel Earl, commander

of the regiment, to which Taylor consented; and so soon as Colonel Earl had perused it, he gave orders for the arrest and confinement of Taylor, in order to his being brought to a court-martial. In two hours he was brought before the Court for trial, upon the charge of publishing this song, alleged to be an injurious reflection upon the regiment and its service, and he was remanded to confinement with the allowance of an hour to prepare for his defence. At the end of which time he was again brought up, when he avowed having written the song, but denied any criminal intention, and he produced several witnesses to character. He was, however, found guilty, and sentenced to receive two hundred lashes. He requested to be furnished with a copy of the minutes of the proceedings against him, but this was refused; and in two hours afterwards he was marched under a guard to the parade, where the regiment was drawn up. He was tied up to the halberts, and received 50 lashes, but the remainder were remitted by Colonel Earl. The letter adds, that the writer means not to attach any censure upon the conduct of Colonel Earl, whom it states to be a humane man; and says that many members of the court-martial were anxious to acquit the man, but could not, upon the evidence against him. It stated, also, that Taylor is a person of a most excellent character, in reputable life, being clerk to the Society of Lighter and Boat Owners in Liverpool; that he is a man of good moral character, and of education and mind much superior to his station. The letter concluded with requesting the hon. Baronet to bring the subject before Parliament, and, if possible, to cause a stop to be put to a species of punishment so calculated to excite disgust. The hon. Baronet then proceeded to some very pointed observations upon the punishment of flogging, which had as it were crept unaccountably into the British service, as one which was abhorrent to every feeling of humanity as well as of British freedom, and was a disgrace and a reproach to the military service of this country. He concluded by moving for that which Taylor was unable to obtain, namely, a copy of the Minutes of the Court-martial.

The Chancellor of the Exchequer observed, that on a Saturday, and in so thin a House, it was not usual to expect motions of such importance as to call for discussion. Before, however, he could consent to the motion, he should wish a fuller House, and some opportunity for in-

quiry. He therefore hoped the hon. Baronet would have no objection to postpone his motion. After some conversation, the motion was postponed until Thursday se'nnight.

Mr. Whitbread wished to ask the noble lord (Palmerston) if courts-martial were authorized to imprison Local Militia men in the common gaol.

Lord Palmerston conceived the proper place of confinement in such cases was the guard-room of the Staff, or in that of the next military station.

Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 27.

CATHOLICS OF IRELAND.

The Marquis of Downshire, in presenting the petition of the Roman Catholics of Ireland, spoke to the following effect.—My lords—it is with peculiar satisfaction that I rise this night, to occupy a few moments of your attention—moments which I shall devote, however, to the consideration of the most important subject that can meet your lordships' mind. It is in consequence of the indisposition of an excellent peer, (Lord Donoughmore) a man whose name will be for ever held sacred by his country, from the zeal, and proper enthusiasm he has displayed in the cause of his Catholic countrymen. It is, my lords, in consequence of his indisposition, that this honour has fallen upon me. May his health soon be re-established, that so the Catholics of Ireland may again possess an abler asserter of their rights than myself; but they cannot possess a more sincere one. No, my Lords, I feel for them in my heart. I know them well. Not merely from what I have heard, but from what I have seen and witnessed. They are a most respectable body of men, and in this long list of petitioners, my lords, there are many reputable, not only from the characters and good conduct, but from the situation they hold in society. Many of them I know, most of them I have some knowledge of—and all of them, I can assure you, my lords, are worthy of a participation in those blessed rights and privileges which you possess. They are born Britons, my lords—they have lived Britons—they think, and act, and feel

like Britons; and for God's sake treat them as Britons. By listening to this, their Petition, my lords, you secure to yourselves the boundless advantages of so large a portion of your population; and although they have hitherto been injured—sadly injured, in being debarred from their natural rights, yet so genial is generosity to their nature, that you will now—even now, attending to their Petition, gain their endless gratitude. I therefore, my lords, in the name of the Roman Catholics of Ireland, present to you this Petition, and propose that it be taken into the consideration of this House on Friday the 7th of June.

The Petition was read, ordered to lie on the table, and to be taken into consideration on Friday the 7th of June.

INSOLVENT DEBTORS.

The Report of the Insolvent Debtors Bill was presented, and—

Lord Redesdale proposed a new clause, which was agreed to, for the purpose of rendering the Benefices of Clergymen liable to sequestration under the Act, the same as in other cases.

His lordship then moved that the Bill be engrossed.

Earl Stanhope wished the Bill to be re-committed, in order to give an opportunity of rectifying the numerous errors which he contended were still in the Bill.

The Lord Chancellor would not object to the engrossment, but he should feel himself compelled to say not-content to the third reading. If, however, in consequence of the failure of this measure, a common Insolvent Bill was brought in, he would not object to it.

Lord Redesdale greatly regretted the opposition which his Bill had met with, and observed that a perfect measure could not be expected; all they could do was to take experience as far as possible for their guide, and make further enactments as they were found expedient. An idea had got abroad that this was his final Bill upon this subject; but the fact was, that he had another Bill in contemplation for the purpose of compelling the debtor to surrender his property to his creditors; and also a Bill which he was disappointed in its not being proposed in the other House this Session, for the purpose of the more effectual recovery, at a small expence, of debts under 20*l.*

The Earl of Moira had objections to some of the provi-

sions of this Bill, but was fully aware that it was impossible to frame a perfect measure upon this subject, and was therefore prepared to support the present Bill in furtherance of the principle which he so anxiously wished to establish.

The Bill was ordered to be engrossed.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 27.

BOARD OF CONTROL.

The Report of the Board of Control Bill was brought up.

Mr. Creevey said, he rose to object to this Bill in its present state, to that part of it at least that related to the increase of salary to the President of the Board of Control. By the Act of 1793, that Act under which the East-India Company now hold their charter, 16,000*l.* per annum was set apart out of the East-India Company's funds as a provision for the Board of Control; of this sum, 5,000*l.* was to be distributed at the pleasure of the Crown between the President of the Board and two Commissioners, and the remaining 11,000*l.* was to be applied in payment of Secretaries and Clerks.—The present Bill is amongst other things to increase this sum of 16,000*l.* to 22,000*l.* for the purpose, as is said, of increasing the salary as well of the President as of the inferior Clerks. The distribution of the 5,000*l.* under the Act of 1793, has hitherto always been 2,000*l.* per annum to the President, and 1,500*l.* per annum to each of the Commissioners. The present President of the Board of Control says this sum of 2,000*l.* is too little for him, and he wants more. My answer to him always has been, and now is—I admit you are ill paid, compared with the two Commissioners, because the whole business is done by you, and they do nothing; their places are perfect sinecures—there never has been such a thing as a Board held since the first institution in 1784, and therefore let the Crown, in the just exercise of its discretion, give you a greater proportion of the 5,000*l.* than it hitherto has done, and the Commissioners less; the fund is perfectly adequate, considering

always that the Commissioners do nothing. The history of this Board of Control is really curious enough.—When Mr. Pitt first introduced it to public notice in 1784, he bestowed upon it this flattering description: he said—"It was intended that the Board should consist of none but Privy Counsellors; but the Board should create no increase of officers, nor impose any new burdens, since he trusted there could be found persons enough who held offices of large emolument but no great employment, whose leisure would amply allow of their undertaking the duty in question." This romantic system of the gratuitous government of India by the sinecure men, lasted till 1793, when Lord Melville not only made a provision for himself as President of the Board of Control, but, to make up for lost time and past errors, he created those two new Parliamentary sinecures, called the Junior Commissioners for managing the Affairs of India. The present Bill is a still further improvement of the present President of the Board of Control upon the Act of his noble relation. He wants his own salary raised, but he won't let us touch his sinecure Commissioners. One should have supposed he would have been the last man in the country to quarrel with the existing Act, considering it was made by his father, and particularly as he himself had given notice of the termination of it, and of an early discussion of the whole subject. As however the right honourable gentleman is evidently above such trifling considerations as those, he puts us upon investigating his own claims to further remuneration: he is the first public claimant for an increase of salary in this office; and if I compare him with a noble Lord (Castlereagh), who held this office before him, and who made no such claim, there can be no comparison of what might have been the justice of the claims of Lord Castlereagh compared with the right honourable gentleman. The noble Lord held this office longer than the right honourable gentleman has done. He had filled a great situation in the State for some time before; the right honourable gentleman has made his first appearance as an officer of the State in his present situation. The noble Lord, as the Indian Minister, used to lay his views annually before this House in what is called an Indian Budget, an operation of at least great labour if not of great public benefit, whereas the right honourable gentleman has very happily relieved himself from this part of his official duty, by never saying a single word of them, great part of

the Empire over which he is supposed to preside; and then, to conclude the comparison, the noble Lord held no other office that I know of—whereas the right honourable gentleman has the consolation of enjoying a sinecure place in Scotland of 2,000*l.* per annum and upwards. Considering, therefore, all the circumstances of the case, I think the right honourable gentleman fails in making out any urgent claim upon our justice. How then does he stand as to any appeal to our compassion?—Why really, considering that he now has his pay as President 2,000*l.* per annum, and his sinecure in Scotland of 2,000*l.* more, considering that Lord Melville has one pension from the East-India Company of 2,000*l.* per annum, another from the Crown of 1,500*l.* per annum, that he has in addition to these pensions a sinecure of 3,500*l.* per annum, making between the father and son 11,000*l.* per annum; considering all this, and above all, considering that the family first embarked in public life in the *gratuitous line*, they may at least be said not to have done much, and that no case of real distress is at all made out by the right honourable President. The honourable gentleman said, perhaps he entertained more jealousy of the right honourable President on these subjects than others did, and it was owing to his having had occasion before now to look after him. Some time since he found that the right honourable President had got very comfortably settled in an excellent house, for which 9 or 10,000*l.* public money had been given; that he was living in it rent free, and that he was pleased very humorously to call it the official residence of the President of the Board of Control: upon further inquiry, he found that this house had long been a great favourite in the right honourable gentleman's family, that Lord M. had himself selected it as a handsome piece of attention to be paid him by the India Company in the shape of a conveyance of fee in return for his gratuitous government of India; and this plan was only defeated by some mischievous persons in the Court of Proprietors. The right honourable gentleman, when he succeeded to the office, held formerly by his noble relation, succeeded likewise to the passion entertained by him for this house: and, as he said before, had actually shewn address enough to get possession of it at one time. Now the only use he meant to make of this fact was this, viz. to impress upon the House, that when they have any thing to do with the right honourable gentleman as a claimant for remuneration of his

own services, though he has had barely the experience of four years official labours, yet in the appreciation of an adequate reward for them, he would be found to be a very considerable artist. Under all the circumstances of the case, he hoped the honourable gentleman would excuse him for now attempting to separate him from the society of the Clerks in this Bill, by moving to expunge all that related to his own increase of pay; and next year he might appear again with at least as much dignity, and with more propriety on the part of the House, when the institution of the Board of Control itself and all relating to it were to come under public consideration.

Lord Castlereagh said, as he had been alluded to by the honourable gentleman (Mr. Creevey), he thought it proper to state, that before leaving office he had recommended that the salaries of the President and other Officers of the Board of Control should be put on a more respectable footing, and that he considered the public service materially interested in this augmentation of salary.

Mr. R. Dundas said, he did not conceive himself at present called on to enter into any of the personal allusions of the honourable gentleman (Mr. Creevey). He, for himself, should never have thought of bringing forward the present Bill, had his own interest alone been concerned; but he was called upon to do so for the sake of others, whose interests were also concerned in it, at the suggestions of those who were interested in the permanent respectability of that departmant of the public service.

Mr. Calcraft did not very well understand what the right honourable gentleman meant by being compelled by others to bring forward a Bill for his own benefit. He, for one, was persuaded that all the great offices under Government should be provided with ample salaries, and he was sensible that many of the salaries were by no means adequate; and had this very office of President of the Board of Control been in the hands of any other person than the right honourable gentleman, he should willingly have consented to have the salary increased; but when he considered that this increase was called for at a period of peculiar national distress, and that the right honourable gentleman enjoyed already a sinecure office to a considerable amount, and when he considered what, in his mind, was conclusive with respect to the present period, that claims of the greatest importance had been postponed, the claims of the

Officers of the Army and Navy, of those men who were employed in the most efficient service of the State, who had the most undeniable right of preference, he could not consent to the present augmentation. He thought it was by no means judicious to agree to the augmentation, without previously going into a more extensive inquiry; for he was not only satisfied that the salaries of the Board of Control were great, but were equal to those of the other Government offices. The Treasury, for instance, which was the most laborious office under Government, except the Admiralty, had not salaries equal to the Board of Control.

Mr. W. Adam observed, the question whether the East-India Company's Charter ought to be renewed, and whether the salaries of the Officers of the Board of Control were to be adequate, was perfectly distinct; and he could see no reason, if these salaries were at present inadequate, why they should not be augmented. The office of the President of the Board of Control should be made substantive, and equal in point of salary to the other great offices under Government. With respect to the sinecure office which it had been said the right honourable gentleman enjoyed under Government, it was not properly a public sinecure, but was paid from the fees of suitors in a court of law; and it consisted with his knowledge, that it had been pledged by the right honourable gentleman, for the sake of defraying his father's expences at Westminster-Hall.

Lord Folkestone observed, the right honourable gentleman (Mr. Dundas) seemed to rise up in great wrath that he had been personally alluded to. The truth was, that the present was intrinsically a personal question; and if the right honourable gentleman chose to bring forward claims for remuneration of its services, it was necessary to enter into the consideration of the merits on which those claims were founded. He thought the learned gentleman (Mr. Adam), had shewn a great indiscretion in alluding to the pledging of the sinecure office.

Lord Castlereagh and *Lord Folkestone* explained.

Mr. P. Moore objected to the taking away the funds of the East-India Company without their consent.

General Tarleton could not agree to any increase in the salaries of Civil Officers till the pay of the Officers of the Army and Navy was augmented. It had been said that they were stimulated by higher motives than the desire of emolument. True, but at the same time they find these

great incitements would not furnish them with food. Did the gentlemen at the Bar act solely from motives of disinterestedness, and a hope of attaining the highest honours of the profession, when they went to foreign climes, and sat in palanquins or seated on elephants? No—even their law letters they had raised from 6*s*. 8*d*. to 13*d*. 4*s*. He then spoke in terms of the highest commendation of the Army—and adverted to the hardships the officers and soldiers endured—sleeping in wet blankets on the banks of the Coa and Guadiana, while the Clerks in the civil offices slept on their beds of down.

Mr. Perceval defended the President of the Board of Control from the personal attacks of the honourable gentleman (Mr. Creevey). His friend had pledged 1500*l*. for his father; and this circumstance was greatly to his honour, though he would not have mentioned it, if it had not been already brought forward and commented on. He ridiculed the notion of the noble Lord (Folkestone), who appeared to think, that because several of his friend's predecessors had advised this augmentation, without having proposed it themselves, it ought never to be proposed at all. If industry and ability were to go for any thing, at no time could the augmentation take place with more propriety than now, when his honourable friend held the office.

After a few words from Mr. Wallace and Mr. Lushington, the House divided:

For the Bill - - -	65
Against it - - -	19
Majority - -	46

THE DUKE OF YORK.

Lord Milton gave notice, that on an early day he intended to submit a motion to the House on the subject of the re-appointment of the Duke of York to the office of Commander in Chief.

THE MILITIA INTERCHANGE BILL.

Mr. Secretary Ryder moved the order of the day for going into a Committee on the Militia Interchange Bill.—On the question that the Speaker do leave the Chair,

Sir John Stanley expressed a wish that the right honourable gentleman would agree to postpone the Committee for

a few days, to give time to gentlemen to consult with their constituents upon several points that remained for consideration in the Committee.

Mr. Tighe stated of his own knowledge, that objections were entertained in Ireland against this Bill. The Irish Militia were not precisely on the same footing with the English Militia, that is, they were not the same kind of constitutional military force; besides, if the Irish were to be compelled to come over and bear arms in this country, they had a right to require that they should be allowed the free and undisturbed exercise of their religion. In requiring this, the Irish only asked of England to give them the same privileges she gave to the foreign German troops now in this country. (*Hear, hear!*) He thought some delay absolutely necessary, to communicate with their constituents on this subject. He should therefore move as an amendment, that this Committee be postponed to Friday the 7th of June.

Sir John Newport stated, that he held in his hand a paper advertising a meeting of the Roman Catholics, to be held to-morrow, in Dublin, for the purpose of proposing a petition to Parliament, requesting, that in the event of the passing of this Act, due provision should be made in it for the undisturbed exercise of their religion on the part of the Irish Militia serving in this country.

Mr. Grattan did not see the necessity of delay, provided the right honourable gentleman would consent to the introduction of a clause to the effect required; if, however, that clause was not to be ceded, he should vote for the delay.

Mr. Perceval was surprised to hear the right honourable gentleman announce his intention of voting for a delay, which did not seem to him necessary; as to the clause required, the present provisions of the Bill would be found to make every security for the continuing to the Irish Roman Catholic the same privileges in this country which he now enjoyed in his own. Where then in that case could be the ground of complaint? or where the necessity for further delay?—They were already in possession of all that a petition could supply them with—the wish of the Catholic part of the Irish Militia that provisions to this effect should be made, and they would be made; therefore, he thought the right honourable gentleman ought not to vote for any delay,

when he had acknowledged that he could not see the necessity of any.

Mr. Hutchinson said, that the good sense in which the right honourable gentleman (Mr. Perceval) seemed not to be wanting in his treatment of other questions, appeared to fail him altogether upon every subject relative to Ireland. If the present question had not been connected with Ireland, how could the right honourable gentleman have observed as he had done upon what had fallen from his right honourable friend? His right honourable friend had said, that there would be no need of delay, if a certain objection was removed. That objection the right honourable gentleman refuses to remove; and yet he contended that his right honourable friend was bound by his own argument to admit the delay to be unnecessary. The avowed object of the Bill was to promote more effectually the union and harmony of the two countries. Did it tend to that object, to compel the Roman Catholics to come to this country with a doubt, if not a penal restraint, upon his religious rights? But it was said that he would be put in the same situation in this country he was in his own, and that therefore he must be satisfied.—But was he satisfied? Was the Irish Catholic content under his present restrictions? Admitting, however, that the present Bill put him in the same state in this country he had been in his own, but that he did not think it did so, was it too great a sacrifice to the religious feeling of the country to make a distinct clause, which would remove every doubt upon the subject? If the right honourable gentleman, who had been himself so long an eminent lawyer, was sincere upon this subject (and this was not to be doubted), he was sure that he must wish to put it in as unquestionable a shape as possible. He would be above contending with what he might call the ignorance or prejudices of the Catholic upon this subject.

A short conversation then took place, in which Sir J. Newport, Sir W. Wynn, Mr. Elliot, Lord Palmerston, and Mr. Ponsonby took a part; after which the House went into a Committee without a division.

Mr. Ryder then said, that as it appeared to be the desire of the honourable gentleman opposite, although to him it seemed unnecessary, he would propose a clause to ensure to the Irish Militia all the privileges and immunities of which they had respectively been in antecedent possession.

After several further observations on the different clauses of the Bill, it passed the Committee, and was ordered to be read a third time.

LORD LIEUTENANT'S SALARY.

The House having gone into a Committee to consider of this subject,

The Chancellor of the Exchequer rose to make a motion similar to that of last year, viz. that a sum not exceeding 10,000*l.* be directed to be paid to the Lord Lieutenant of Ireland, in addition to such sums as were already granted, out of the Consolidated Fund of Ireland. This he did for the purpose of making it a permanent measure, sanctioned by an Act of Parliament, and not a temporary grant.

The Resolution was agreed to.

Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 30.

APPEALS IN THE HOUSE OF LORDS—COURT OF CHANCERY.

The Earl of Lauderdale, after observing that the information before the Committee on this subject only extended to the comparative increase of business in the Court of Chancery between the periods of ten years up to 1755, and ten years from 1800, moved for an account of the business before that Court from 1755 to 1800, and the number of Decrees from 1755 to 1810.

The Earl of Liverpool had no objection to the motion; but could not consent to delay, till the information was produced, the measure in contemplation for the more speedy hearing of Appeals in that House, which he thought it was of great importance should be passed before the session closed, in order that they might begin in the next session on the new arrangement.

The motion was agreed to.

The Order of the Day was read for taking into consideration the Report of the Committee relative to the state of Appeals in the House of Lords.

The Report was read by the Clerk at the table as follows:

Resolved, That it is the opinion of this Committee, that it is indispensably necessary, and that it so appears to be from the great number of Appeals and Writs of Error now depending in the House, amounting together to 338, of which 296 are Appeals, and 42 Writs of Error, that a greater proportion of the time of the House of Lords should be employed in hearing Appeals, than has been hitherto allotted to this part of the business of the House; and that it will be expedient, therefore, that the House should determine to sit for this purpose at least three days in every week during the Session, meeting at ten o'clock at latest on each day till the present arrear of causes shall have been considerably reduced, and subsequently two days in the week at least, meeting at the same hour. That as the above regulation will unavoidably take up a large portion of the time of the Lord Chancellor, which would have been employed in other judicial duties, as appears from the statement contained in the Appendix, of the periods during which the Lord Chancellor usually sits in the Court of Chancery, it is absolutely necessary that some relief should be afforded to him in the discharge of such other judicial duties.

Resolved, That it is the opinion of this Committee, not only that the judicial business of the House of Lords hath so increased as to require, and to be likely to continue to require, a greater portion of the Lord Chancellor's time than was heretofore necessary for the execution thereof, and therefore to disable him from giving sufficient attendance in the Court of Chancery, but that it also appears from the comparative quantity of business in the Court at different periods, its judicial establishments having continued the same, that there is a considerable increase thereof, taking together the whole of the different kinds of business transacted in the Court; and that it is therefore expedient, in order to secure at the same time a sufficient attendance upon the House of Lords by the Lord Chancellor, and sufficient means for carrying on the business in the Court of Chancery, that an additional Judge in the Court of Chancery should be appointed.

Resolved, That it appears to this Committee to be expedient that such Judge should hold his office during good behaviour, and that he should be of a rank correspondent with that of the Master of the Rolls.

Resolved, That it is the opinion of this Committee, that it is expedient to revive the practice which formerly prevailed in the House of Lords of limiting the period in each Session, after which Appeals shall not be received in that Session.

Resolved, That it is the opinion of this Committee, that it is expedient to order all the parties in the Appeals and Writs of Error, which may be depending at the close of the present Session in the House of Lords, to lay the prints of their cases upon the table of the House, before the end of the first week in the next Session of Parliament, in order that the House may be enabled to form some judgment of the nature of the cases which have been brought before them; and that it should be an order of the House that the prints in all cases of Appeals and Writs of Error should be hereafter laid upon the table of the House within a time to be limited after such Appeals and Writs of Error have been presented.

The Earl of Liverpool moved to agree with the Report, which was carried.

HOUSE OF COMMONS.

THURSDAY, MAY 30.

MALTA.

Lord Cochrane gave notice, for Thursday next, of a motion for certain papers relative to the Vice-Admiralty Court of Malta. The principal were, the Commission of the Court, its correspondence with the Vice-Admiralty Court of Gibraltar relative to prizes, the list of condemnations, the rates of the fees, and the station and duty of the Marshal Proctor.

PRIVILEGES OF THE HOUSE.

Mr. Whitbread, before he proceeded on the motion touching Mr. Palmer's claims, would wave his motion on the Regency, partly from circumstances which had lately come to his knowledge, and partly from the time which the immediate question might occupy: but

on Friday se'nnight he would move the House on the subject.

Mr. Whitbread then desired that the Address of the House on Mr. Palmer's claims, and the Regent's Answer should be read. They were read accordingly.

Mr. Whitbread then rose, and said, that after the most diligent inquiry into the records of Parliament, he felt justified, by the result of the search he had made, in saying, that there was no answer to an Address of the House of Commons to be found on their Journals similar to that which the Prince Regent had been advised to return to the Address of that House, relative to Mr. Palmer's Claims, and which had been delivered at their bar. It was perfectly understood that the House of Commons not only claimed and exercised the right to originate all grants of money to the Crown, but also both claimed and exercised the right to dispose of all grants of money given to the Crown. There were many circumstances connected with the granting and disposition of money by that House, which it was alike necessary and important to adhere to. It would not be desirable for him to trouble the House by going far back into the history of the practice of Parliament upon these points: he should therefore take it up at the Revolution; from which period, down to the present time, that House had in various instances addressed the Crown to direct the issue of sums of money, which sums the House uniformly engaged to make good. There was no instance to be found of such an Address being presented, when the money advanced in pursuance of it had, from any failure on the part of the House to fulfil its pledge, not been made good. There were also various occasions on which the Crown, from a sense of its own necessities, had applied to that House for relief, founding such application on the ground of necessity, and on which that House granted the relief required, on its own authority alone. In every such instance, that House, in answer to the applications of the Crown, had invariably taken upon itself the right and the power to grant the relief requested. It remained, then, for the right honourable gentleman opposite (the Chancellor of the Exchequer) and his colleagues, in the year 1811, to depart from that invariable practice, and make the Crown, under the government of the Prince Regent, send down an ungracious answer to that House—an answer which was neither more nor less than an expression of a doubt of the

power of that House to make good the sum of money which, its by address, it had called upon the Regent to direct to be issued. It would be, he trusted, wholly unnecessary for him, on this occasion to guard himself against the imputation of wishing to throw any reflection upon the Prince Regent. The answer, as in the case of the Sovereign, he could not consider as the answer of the Prince Regent, but of the Ministers who advised it, and who were solely responsible to that House for such advice. (*Hear! hear!*) But to come directly to the question, he had to acquaint the House, that so early after the Revolution as the 1st of William and Mary, that House had, either by Address or Resolution, without the interference of the Lords, authorised the issue of money for the pay of the foreign troops which had come over with that Prince. In the reign of Queen Anne, all the grants to the Duke of Marlborough had been issued in consequence of communications between the Queen and that House only. The sums issued for the erection of the new churches, in the same reign, had likewise been issued by the authority of that House only; and the communications respecting them were, as in the former instance, between the Queen and the House of Commons. He had also to state, that her Majesty, finding her civil list distressed, had applied directly to that House, without making any communication whatever to the other House for relief; and this distress her Majesty assured the House of her reliance upon its ability to relieve. The House, as it had the right, granted of course the relief so required; and there was this remarkable circumstance attending the transaction, that then, as in a recent instance, the matter had been animadverted upon by a member of the House of Peers, as tending to deprive that branch of the Legislature of its constitutional share of control over the public expenditure. The Duke of Bolton was said to have delivered himself to that effect in the House of Lords, and to have recorded his opinion by fixing a day for bringing the question before the House of Lords; though, whether from the interference of other business, or the untenableness of the ground upon which he rested, that noble peer never proceeded with the motion, respecting what he at first conceived to be ill-treatment of the House of Lords by that House, in undertaking upon its own authority alone to make good the deficiency of the civil list. In the reign of George I. the same had been done by the Commons,

without any interference with their right or their power by the other House. The same thing happened in the reign of George II, and particularly in that remarkable instance in 1758, when the House of Commons, without any application being made, confident of their power, addressed the Crown to issue money for no less a purpose than to augment the salaries of the Judges, and pledged themselves to make good the same. The money was consequently issued, and made good, without any proceeding having been taken by the Lords to contravene the grant. During the reigns of George II. and III. the instances of grants of money to private individuals, as gentlemen must recollect, in pursuance of addresses of that House, were frequent. He should mention the cases of Mudge, Lowndes, Egerton, and Dr. Smith. But there were besides two instances in the present reign, of large sums of money voted by address of that House, even while the Committee of Supply was sitting, without any interference on the part of the House of Lords. In one of these instances the case was brought forward, when, after the death of the party, an opinion had been expressed in the other House adverse to the grant, and a remarkable protest upon a measure connected with it entered upon the Journals of the House of Lords. The House would be aware, that the case to which he alluded was that of the great Lord Chatham. Upon the death of that eminent statesman, the House of Commons came to a resolution to confer upon his descendants for two lives, an additional pension, in token of the high sense of his great public services; a sentiment in which he fully concurred with them. An act was brought in accordingly; which, when sent up to the Lords, was the subject of discussion and difference of opinion; so that the remarkable protest to which he had alluded, was drawn up and entered on the Lords' Journals on the 2d of June, 1778, to this effect:—"That the grant was an extravagant waste of the public money, during an arduous and expensive war, and was calculated to enrich a private family at the public expence." This protest was signed by Lord Bathurst, Lord Chancellor, the Archbishop of York, the Duke of Chandos, and Lord Paget. He stated this, in order to shew that a difference of opinion respecting the expediency and propriety of the grant existed, and was known to exist at the time in the minds of certain members of the House of Lords. Yet, notwith-

standing this protest, this so[illegible] year 1808, opinion, of those Peers in the oth[illegible]ion Act, Commons addressed his Majesty, to [illegible]on- be erected, and a public funeral to be [illegible], issue a sum of 20,000*l.* to pay the debts [illegible] all which expences and issues they p[illegible] good. In no one of these cases had the [illegible] sulted; and whether it was that they had ta[illegible] out their knowledge, or, aware of the gran[illegible] had passed over them, certain it was that no n[illegible] ever had been taken of them by the Lords. In a[illegible]se, that of the late Mr. Pitt, that House, after debate, discussion, and a division, voted a funeral, and a sum of 40,000*l.* to pay his debts, without any interference on the part of the Lords. It did not appear, indeed, that the question had been submitted to their consideration at all; as in the Approbation Act, there appeared an item only of 49,000*l.* to repay sums to that amount issued upon addresses of that House, without any mention of Mr. Pitt, or of the respective votes. They well knew, too, that it was the constant practice of the House of Lords to address the Crown, to order the payment of various small sums, which it would be inconvenient to wait to send down to that House for a vote; such, for instance, as the expence of printing their Journals, and of defraying the salaries of clerks. It was well known, that there were learned persons now attending at their bar, to defend claims directed by their Lordships, the expence of which it was competent to them to address the Crown to defray, without any consultation whatever with the House of Commons. But theoretically, he did not know where the doctrine was to be found, which precluded the Lords from interfering with money bills or grants of money. It was only in practice that such a power seemed to be denied to them. It had been found, no doubt, expedient for the public service, that the authority to originate grants of money should be kept wholly to that House, and the functions of the two Houses kept separate and distinct. Nothing, he would allow, could be less desirable than any altercation between the two Houses, or any difference of opinion, which might lead even to a free conference for the adjustment of the disputed points upon which the Lords and Commons might so happen to differ. Upon the present occasion, however, he was happy to say, that no such difference could exist. He

without any, nor had the House any document before it by the [illegible] that any difference could exist upon this subject between the Lords and Commons, or that any disputed point could occur. The whole question now lay between the Crown and the House of Commons. The Crown, he contended, had been ill advised, when an answer was returned by the Regent, to an address of that House, for an issue of money, that he would wait till the Parliament would enable him to pay the money. Such a word, he was prepared to say, was never introduced into an answer from the Crown—was never made use of by the Speaker when he tendered money bills at the bar of the Lords—was never, at any time, uttered by the Sovereign himself, when, leaving out the Lords, he addressed himself particularly to the Gentlemen of the House of Commons, to express his reliance on their zeal to furnish him with the necessary supplies, or to thank them for the sums they may have antecedently granted. Should that House, then, allow this practice to be introduced? Should the House of Commons submit to be told to wait till the Parliament should settle the funds for the payment of any sums they may apply by address to have issued? In the case of the grant to Portugal in the present session—in the case of the Lord-Lieutenant of Ireland in the last session—no such word had been inserted in the answers to their addresses. Had not the House granted with liberality, with generosity and zeal, the sums necessary for the maintenance of his Majesty's Army, of his Navy, of his Civil List, and for the security and protection of all parts of his dominions; and with what grace could the Prince Regent send down an answer to an Address of that House, that before he should comply with it he should wait till Parliament enabled him? After voting millions, and hundreds of millions he had almost said, for these various services, and made provision for the disposition of them too, was it a proper return for their zeal, or respectful to their privileges, to be told, on an Address for the issue of this sum to satisfy Mr. Palmer's claims, which they promised to make good, that the Crown doubted whether the House of Commons had the power to make good the sum, and would wait till Parliament should supply the means? Thus much he had thought it necessary to say upon the general question: he had now a few observations to add upon the particular question. It would be in the recollection of the House, how the right honour-

able gentleman, after having been foiled in the year 1808, contrived to take this grant out of the Appropriation Act, and made it the subject of a separate Bill. It was contrary to the wish of the honourable member who brought forward the claim, that this Bill went to the Lords; on the contrary, he gave it up altogether. But the right honourable gentleman, a prime minister, fighting against a private individual, and finding himself defeated in every instance; as was said by the ever to be lamented Mr. Windham, appealed not from Philip drunk to Philip sober, but from Philip sober to Philip drunk; when, after all the members who had voted for the Resolution left town, he applied to the House to take the grant out of the Appropriation Act. The honourable gentleman next adverted to the course pursued in a subsequent Session, for putting the claims of Mr. Palmer in a train for decision in a court of law, upon the merits; and stated, that every technical objection had been started, and every legal impediment thrown in the way, by the legal advisers of the Crown. The apprehension of any misunderstanding with the Lords upon the subject was perfectly gratuitous. He knew of none, and none he was sure existed. But even if there were any difference, that House was the best judge of its own proceedings. It was not for any minister to interfere to prevent such a difference: that House was equal to fight its own battles, and ought to maintain its privileges, even though it should lead to a difference and a free conference with the House of Lords, without suffering any minister to interfere. But what he complained of on the part of the House was, that the right honourable gentleman fought them where they could not contend with him. He (Mr. W.) called upon the House of Commons, then, not to sit down content with this message, but to risk even a contest with the Lords, if that should be the consequence, rather than submit to such an infraction of their privileges. Upon all the grounds he had stated, he should move a Resolution, "That whoever advised the Prince Regent to doubt the readiness and sufficiency of that House to make good any sum issued in compliance with an Address of that House, had given advice calculated to disturb the good understanding between the Crown and the House of Commons, which it is at all times of the highest importance to promote and maintain."

Mr. Tierney seconded the motion.

Colonel Palmer then rose, and spoke under the influence of such natural feelings, as rendered him scarcely audible. He expressed a hope, that he had, throughout all the discussions of this question, conducted himself with becoming temper; and he would confess, that the manner in which the debate had been managed on a late occasion put that temper to a severe trial. He should not then trespass on the House by replying to arguments which had been so often refuted already; but as he found that forbearance served only to provoke still greater hostility, he should on that occasion submit to the House a plain statement of the case. He should have expected of the right honourable gentleman who was the great opposer of Mr. Palmer's claims, that having once made a promise upon the subject, he would have considered himself bound to perform it. That right honourable gentleman, and others, on a former night, had resorted to extracts from private letters, on which to ground their arguments. Now, he, too, could refer to a private letter from that right honourable gentleman, containing a promise, which he should leave the House to judge how he had performed. The letter had been written to an hon. friend of his, to whom he should ever feel indebted for the continued support which he had on all occasions given to Mr. Palmer's claims. That hon. friend had remonstrated with the right honourable gentleman, on the opposition which he persisted in giving to Mr. Palmer's claims; and in answer to such remonstrance the letter he alluded to had been written, stating, that if the Address should be agreed to on the Report, he would give the claim no farther opposition. Now he should ask the right honourable gentleman how that promise had been fulfilled? He would ask him, too, how he could reconcile it to himself, or to the House, that he had sent the Bill in a former Session up to the Lords, not only without, but against his consent? This was an outrage upon him, as the originator of the proceeding in that House. In the next Session he had been advised by his friends to bring forward the motion he had submitted this Session; but he preferred going into a Court of Justice, especially as the right hon. gentleman had boasted, that if he did so, the claims of Mr. Palmer would be done away with, and himself indicted for a conspiracy. After such a statement, he considered himself bound to go into a Court of Law. He was aware that the objection on the trial had been first

started by the Judge, that unless it appeared that the money had been received to Mr. Palmer's use, the action could not be maintained. Mr. Serjeant Shepherd, who was leading Counsel for Mr. Palmer, stated, that he had been aware of this objection; but added, that as the ground of going into Court was to obtain a decision on the merits, that might be had if the Counsel for the other side would admit that the money had been so received. [Here the honourable gentleman's feelings affected his tone of voice so as to render the remainder of his speech inaudible.]

Mr. Bankes observed, that in many parts of the speech of the honourable member who brought forward this motion, he entirely agreed, as he was persuaded every member of that House would. It was his opinion, that the honourable gentleman had not carried too far his notion of the privileges of that House, and of the necessity of maintaining them such as they were. But he was of opinion, that the House of Commons ought to make its firm stand upon the constitutional principles upon which its privileges rested, and to confine its claims within the precise limits of its own constitutional functions. This was the course which would best preserve their powers, and tend most effectually to satisfy the wishes and expectations of those who sent them there. The hon. member had stated, that there was no precedent to be found on the Journals, of an answer such as that to which his motion referred. True: but would the hon. member say, that there was any precedent of an address being carried up to the throne, such as that to which this answer had been returned? All the authorities upon constitutional law and principles, from the earliest era down to Mr. Justice Blackstone, agree that the House of Commons had the right of originating and disposing of grants of money: but no authority existed of the right without the concurrence of the two other branches of the Legislature. He denied that a small house had done away the act of a large one. In the present question, there was, in his opinion, no more judicious course to be pursued than that which Ministers had adopted. It was their business to prevent as much as possible all dissention between the two Houses, and therefore they had done right to advise a qualified answer to the address. The privileges which the House of Lords possessed of checking these improvident grants which either the desire of popularity or the solicitations of individuals

might extort from that House, he thought highly proper. He concluded by giving his opposition to the motion.

Mr. Lambe, with all the desire which he sincerely had to concur in the motion of his hon. friend, still found himself unable to do so, because the conviction which established custom had fixed upon his mind remained unshaken. When he differed from his honourable friend on this subject, he still was firm on the point of preserving their privileges in case they should be attacked. Those privileges were given them for the benefit of the people: they were the safeguard of the country; and that House was bound to return them in safety to their representatives;—they should preserve them unshaken by the Crown, unimpaired by the House of Lords, unencroached on even by the blind fury of the people themselves. (*Hear!*) If his honourable friend thought that Ministers were attempting to tamper with those privileges, he ought not to have allowed a single day to interfere between the breach and the accusation. As to the precedents which had been adduced, if they were allowed to have any weight, they would go to affirm that the House of Commons would have a right to vote money bills altogether without the check or control of the House of Lords. Three precedents had been quoted, which were founded in the reign of Queen Anne. It was true, indeed, that the sums herein alluded to had been voted by a communication between the Queen and the House of Commons: but the reason of this was obvious; no application was necessary from the Crown to the House of Lords for the grant of money, because the grant must constitutionally originate with the House of Commons. Having delivered his opinion on the parliamentary law of the subject, he must also beg leave to give his judgment on the conduct of Ministers. He could not help thinking that the right hon. gentleman would have acted much more wisely, if he had lent a furthering hand to the decision of the House of Commons, when they had agreed that the money ought to be granted, instead of giving, as he had done, every possible opposition to its effect. If such a prineiple was to be acted on, it must come to this—that the votes of the House would be considered omnipotent when they were given in support of the Minister, and of no effect whatever when given against him.

Mr. C. W. Wynne felt himself in a strange predicament

at present; because, having formerly voted against the grant to Mr. Palmer, he was now inclined to vote for the motion which went to support that grant. It did not signify, however, what might have been his individual opinion on a former occasion; that opinion the House over-ruled, and he considered himself bound by the decision of the majority. In exactly the same situation as now did he stand during the last Session. He was determined to vote for the present motion. On the address, the simple address of that House, the King had paid the debts of the Earl of Chatham. It was a notorious fact that the address of the House of Commons, or their vote, was always considered decisive on money questions. Did the Exchequer ever wait for any thing else? Did they ever wait for an Act of Appropriation? Even in the Loan, where all a man was worth in the world was concerned, they never scrupled to act on the mere resolution of the House of Commons. As to what had been said with respect to the issue of small sums by the House of Lords, no doubt it was the case. But was it not also the fact, that at the moment when these sums were voted by the House of Lords, they were provided for by a vote of the Committee of Supply of the House of Commons, and to this vote the Exchequer paid respect? He must contend, after all that had been said upon the subject, that there was no parliamentary ground for supposing that any difference of opinion existed between the Houses of Lords and Commons. It was certainly true that the grant of this money had been formerly voted by the House of Commons, and rejected by the Lords. It ought to be remembered now, however, that it was three sessions since the Lords had rejected this grant, and the Commons had no right to suppose that they might not since have changed their sentiments. It was an established and acknowledged principle, that the House of Commons was the guardian of the public purse—the sole dispenser of the public money. In his opinion, if they submitted to the answer of the right honourable gentleman (for he should not call it the answer of the Prince), they would at once relinquish this constitutional privilege. There could not, in his mind, be a stronger case made out than the present. If they now conceded, it would be in short doing nothing less than inviting the House of Lords to dispute their privileges. When those privileges were disputed, then would be the time to defend

them. At present, he should content himself by giving his assent to the motion.

Sir John Anstruther said, nothing could be more extraordinary, than some of the doctrines which had been advanced to-night; that it was not proper in the Crown to hesitate as to the immediate compliance with an Address of that House as to money concerns. There was a case in point in the reign of Queen Anne, in which the House of Commons addressed the Queen to fortify Chatham. Her Majesty's answer was, that she was obliged to them for turning their consideration to the fortifications of important places; but that, as the expence was indefinite, she desired the House to pause till they should have re-considered the matter. Here was a direct instance where the Crown had deferred giving its consent to an Address of that House.

Mr. Tierney said (looking stedfastly on the Treasury Bench), that he perceived the right hon. gentleman opposite did not mean to enter on his defence, but chose rather to trust to his numbers than to argument. *(A laugh.)* This was, however, in his opinion, a most important case: it contained the claims of a very meritorious individual, who had been of the greatest service to the public and to the revenue. It had undergone the ordeal of no less than six investigations; and so many times had by that House been determined in his favour. He would not then trouble the House by going into any lengthened detail of the whole of Mr. Palmer's treatment from his first connexion with his Majesty's Government. The Petition of Mr. Palmer came recommended from the Crown; it was referred to a Committee, great numbers of whom were the friends of the right honourable gentleman; and that Committee had determined in favour of Mr. Palmer. The right honourable gentleman contrived to leave the vote out of the Appropriation Act, and the matter was made the subject of a separate Bill, which was thrown out by the Lords. The right hon. gentleman, finding himself out-voted in the House of Commons, very cunningly said to himself, "Well, as that is the case, though I have many friends here, I have more in another place, and there I can defeat all that has been carried against me here." From this circumstance the right honourable gentleman inferred that the Lords' decision upon that Bill was a proof that they would be

adverse to this vote of the House of Commons. This inference, however, Mr. Tierney denied; for the Lords had only said that they thought the claim of Mr. Palmer to the per-centage was too great. He was sure, however, the Lords would have no objection to give Mr. Palmer 54,000*l.* as a remuneration, which came recommended by the Commons, not only to compensate his public services, but which was to be in lieu of the per-centage to which he had so strong a claim. He would be glad to know, where on the Journals of the House they could find a precedent of a man, whose services have been highly beneficial to the public, and to the revenue, with six decisions of the House in his favour, obtaining a vote, and nothing else! "And all this, (said Mr. T.) on the ground, that the Lords have an equal power with us in the granting and distributing the public money. If they have such a right, they must be the most ill-used men in the world; for how does this House use them? At the end of every session, the House of Commons, after voting the whole supplies for the year, without ever consulting the Lords, send up an Act containing all the sums voted, and all the taxes, in which there is a clause of appropriation; and it is therefore called the Appropriation Act. This act the Lords are obliged to assent to even to the amount sometimes of forty millions—and if their Lordships were to make an alteration of even a penny in it, the Bill would be thrown out on its return to the Commons, and away at once go all the supplies for the year. The Lords had never expressed any disapprobation of the salary of three thousand pounds a year, which Mr. Pitt had granted to Mr. Palmer, nor had even the House of Commons been applied to. That was done by an Order of Council; and if Mr. Palmer had now had a friendly administration to deal with, so might this have been settled. He could see no reason why the objection had been mentioned, unless the right hon. gentleman meant to invite the Lords to share with that House the power of originating money bills. If you must, however, go to the Lords, said Mr. Tierney, how do you know the Lords, had they been consulted, would have agreed to the payment of Mr. Pitt's debts? That right honourable gentleman was undoubtedly very popular at one period; but never so much so as his father, Lord Chatham, was in his day; and yet the Lord Chancellor, the Archbishop of York, and two other noble Peers, entered a protest against paying the debts of Lord

Chatham, though the House in general seemed to have passed it over, as not wishing to interfere in a money concern. If the House of Commons, said he, choose to content themselves with the answer to this Address, then will the Journals of this year and the last contain the most melancholy proofs of the downfall of the House of Commons. If they yielded to such reasons for not enforcing their vote, they were going out of their way to bring on the interference of the Lords, and to invite them, as it were, to trample on the Commons. In short, the whole question is, whether the House of Commons, having voted what they have done, will sit down content with such an answer. He was sure the Prince Regent had been entrapped into it. It was a melancholy thing, at the early commencement of a reign, to see a line of proceeding pursued to bring on a difference between the Crown and the House of Commons; but such a matter, if effected, would be worthy the ingenuity of the right hon. gentleman.

The Chancellor of the Exchequer said, that his reliance was not upon numbers, but upon the argument. He had risen early in the debate, but had given way to other gentlemen. He could not but observe the very different tone in which this business was now brought forward, from that which was used in first announcing it. Then the answer of the Regent was announced as a breach of the privileges of that House, and a sort of apology was made for not bringing the question forward before all other business. When this language was used, he had challenged any person to come forward and shew that the privileges of the House had been infringed upon; and he pledged himself to prove the contrary, not by numbers, but by argument. To-night, however, it was not stated as a breach of the privileges of that House; and he could confidently state, that no man who knew any thing of the Constitution, could even affect to believe that the privileges of that House had been infringed on the present occasion. As to the practice, he would admit that the House of Commons did frequently vote Addresses to the Crown for grants of money, and that the Crown had almost uniformly granted that which it had been so called upon to grant. But it by no means followed from this practice, that an Address of that House was to be a *command* to the Crown, (*Hear* !) and that the Crown had no right to pause an instant upon the propriety of acceding to it. That was all that had been done in the

present instance. An honourable gentleman had asked him to draw the line, to what amount the House of Commons might by their Address call for a grant. He had an equal right to call upon that honourable gentleman to draw the line. If they were now to vote upwards of 50,000*l.* by Address, at what point were they to limit themselves? Might they not vote millions, or the whole supplies of a year in the same manner? He believed that it could not be denied that constitutionally the Crown had a power not only to give a negative to the Address of either House, but even to a Bill presented him by both Houses. The Minister who so advised the Crown might possibly give wrong advice, but certainly it would not be unconstitutional. If the Crown had the power and the right to refuse its assent, it was the duty of Ministers, in some cases to advise the exercise of such power. It was not speaking strictly constitutionally, to contend, as had been contended this night, that the House of Commons possessed a power of compelling the other House to agree with it. If it were allowed that the Crown had a right to refuse the prayer of an Address, it followed evidently that the present answer, which was by no means a refusal, could be no breach of their privileges. The answer of "Le Roi s'avisera" might lead the House into an error, by inducing them to imagine that the Prince Regent was entirely adverse to the prayer of the Address; whereas the answer which had been given, expressed clearly, that if Parliament made provision for such a grant, there was no objection on the part of the Crown to making it. No man would deny, that it was competent to that House to present an Address to the Crown for a grant of money; but then their Address was not to be an absolute command. Was the House to suppose that the Crown ought to have been entirely ignorant that a different decision had been come to upon this claim by another branch of the Legislature? If, then, this question could produce a quarrel between the two Houses, it appeared to him to be the duty of Ministers to recommend it to the Crown to take such steps as would be likely to put an end to this quarrel. Was it not notorious, that those who brought the measure forward in that House, felt a perfect conviction, that it would not succeed in the Lords; and did not every body know that this was the very reason for proceeding by an Address? Were the Ministers of the Crown to be the only persons ignorant of this, or had the

Crown no other duty, when quarrels were apprehended between the two Houses, than to remain indifferent, and see fair play to both of them? (*Hear, hear!*) The hon. gentleman (Mr. Whitbread) had argued the case as if it was a mere matter of arrangement in the collection of the revenue, and not as if it were a grant of a large sum of money demanded for one individual. The difference between the present case and all the cases which had been cited, was, that this was the very first case in which the House had proceeded by address from the mere undisguised motive of granting money without the concurrence of the Lords. As to the case of the Loans, which had been mentioned, the information which he had received was, that there never was any money advanced to the service of Government on account of them, until they had been ratified by an Act of Parliament. He was surprised that the hon. gentleman should have forgotten how strenuously it had been argued not long ago, that a vote of the House of Commons was no authority to the Auditor of the Exchequer, unless sanctioned also by the Lords. This doctrine differed very much from that which was contended for to-night. If the House, however, have now a right to control both the Lords and the Crown, he could not see why they might not then have done without the House of Lords. He believed that the gentlemen on the other side could not produce a single instance like the present, where money was sought to be granted by an Address from one House in opposition to the known opinion of the other House upon the subject. As to the manner in which he had commented on Mr. Palmer's letters, it did at that time appear to him to be a duty so to do, as the only plea for not acquiescing in the claims of Mr. Palmer, was from his own misconduct in office. He had not given any other opposition to the claims of Mr. Palmer, but by speaking his sentiments in that House; and he could safely appeal to his friends to shew, that he had exerted no influence whatever upon the occasion. If the House of Commons were to conceive the answer of the Prince Regent as a refusal, it could only be on the presumption that the House of Lords would not acquiesce in this vote. If such was manifestly their opinion, was it to be supposed that the Crown was utterly ignorant of those circumstances, or that it was not the duty of its members to recommend such measures as were likely to prevent disagreement between the two

Houses? Whether they were right or wrong in this advice, he would not say; but he must say that there could be nothing in it unconstitutional, or contrary to the privileges of that House.

Mr. Ponsonby admitted the fairness and candour of many parts of the right honourable gentleman's speech. It was without dispute the right of the House to address, and this right has been uninterruptedly exercised. He had not heard the word "privilege" mentioned by his honourable friend, and certainly it was not as a breach of privilege that he was disposed to consider the subject; but as an answer offensive to the House, inasmuch as it was derogatory to its established usages, and to that respect which had hitherto been paid to addresses of the House of Commons. When the right honourable gentleman (Mr. Perceval) asked who was to draw the line as to the amount of the sums which might properly be voted by the House of Commons, he would answer, that it was not for any individual to draw this line, but it was for the House of Commons to draw it, (*hear!*) and to judge of every particular case, whether it came under the proper limit, or whether it did not.

Mr. Whitbread began his reply by confessing his surprise at finding that his motion had not met with all the support that he expected from it. As to the word "privilege," he most certainly had not used it, either this night or on the night upon which he gave notice of this motion. He had purposely abstained from using the word privilege; and when he recollected how the word had been used last year by the high *privilegerians*, he would not have been disposed to dwell in a high tone on the mere privileges of that House. He certainly did conceive the present answer to be one of the most ungracious upon record as having been given to the House of Commons. As for the abstract constitutional right of the Crown to refuse its assent to a Bill, nobody would dispute it; and yet he believed few Ministers would dare to advise such a measure: and if the two Houses should be now inclined to give any boon to the Catholics of Ireland, he thought that the right honourable gentleman himself would hardly dare to advise the Crown to refuse its consent. It was known that the House of Commons had often voted in one Session, what they had rejected in the preceding Session; and therefore the Ministers had no right to presume, that the Lords would never sanction this grant. Mr. Whitbread then commented at

some length upon the speech, said to be delivered by Mr. Perceval at a public dinner. That gentleman had been represented to state to the meeting that he had ingratiated himself with the Prince Regent by the restrictions imposed upon him. It was, however, to be recollected, that all the Members of the Royal Family protested against those proceedings.

Mr. S. Thornton stated the practice of the Bank for the many years he had been a member of it. No money was ever advanced to the Government until the Act for the purpose had received the Royal sanction.

Colonel Palmer, then, in a very feeling manner, declared that nothing would give him so much pleasure as to have the claim investigated by a jury, with those advantages that were offered last year. One of the principal witnesses, however, was now dead, and he hoped that his examination would be admitted in evidence. After this business had been before the House, a compromise had been offered him by a person representing himself as commissioned by the Minister. When he found his regiment ordered for foreign service, he wrote to that person to accept the compromise, but the person then denied that he had ever been so authorised. The House would excuse him if he appeared pressing in his claims, when it was recollected that his father was old, and nearly worn out, and that he anxiously wished that he might have justice while he lived. As to himself he could bear adversity; and although he anxiously sought for justice for his father, he would never accept any thing for himself as a boon.

The Chancellor of the Exchequer would wish much that it were possible to put the whole of the case into such a shape as to be tried at law, but he feared that this was impossible. Although the House could not avoid doing justice to the feelings expressed by the honourable gentleman, yet it must be recollected that it was a different question which was then under the consideration of the House.

The House then divided:—

For Mr. Whitbread's Motion . .	68
Against it	161
Majority . .	95

Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 31.

The Committee of Privileges sat from ten in the morning till half-past three on the Berkeley Peerage. Some witnesses were examined, and the further proceeding was appointed for Wednesday next, at ten o'clock in the morning.

The Royal Assent was given by Commission to the Loan Bill, the 6,000,000*l.* Exchequer-bills Bill, the 1,500,000*l.* Exchequer-bills Bill, the Distillers' Indemnity Bill, the Bleaching Grounds Stealing Bill, the Irish Bleaching Grounds Bill, the Canada Rum Bill, the Isle of Man Customs Bill, the Isle of Man Sheep Bill, the Linen Duty Bill, several local and private Bills, in all 31. The Commissioners were the Lord Chancellor, the Earl of Aylesford, and Lord Walsingham.

The East-India Bonds Bill, the Nova Scotia Rum Bill, the Irish Provisions Bill, the Customs Superannuation Bill, and the Chocolate Bill, were read a third time and passed.

The Report of Grey's Estate Bill having been presented,

Lord Redesdale, at considerable length, objected to the principle of the clause charging the estate in the possession of the tenant for life with a sum of money for the repairs of the mansion-house, and moved to strike it out. The clause was supported by Earl Fitzwilliam, the Earl of Moira, and Lord Grantley, on the grounds of the equity and justice of this particular case; and opposed by the Lord Chancellor and Lord Ellenborough, on the ground of the mischief arising from establishing the principle of such a clause.

The House divided on the question, that the clause stand part of the Bill:—

Contents	34
Not Contents	10
Majority . .	24

The Board of Control Salaries' Bill, the Irish Bog Drainage Bill, the Irish Hat Duty Repeal Bill, some local and private Bills, were brought up from the Commons by Sir James Graham, Mr. Swan, and other Members, and read a first time.

The Printers' Bill passed through a Committee, and was reported.

Earl Stanhope moved the third reading of Loveden's Divorce Bill; and the words of the preamble referring to the clause for making void the marriage settlement which had been struck out, having been left in, his Lordship moved to strike them out.

The Lord Chancellor objected to the motion, on the ground of wishing to propose the re-insertion of the clause struck out.

A conversation took place on the subject of the clause between the Earl of Lauderdale, the Lord Chancellor, Lord Ellenborough, and Lord Redesdale; after which the question was put, that the words proposed to be struck out, stand part of the Bill—which was negatived. The House was cleared for a division, but did not divide.

INSOLVENT DEBTORS.

On our re-admission, we found—

Lord Ellenborough on his legs, objecting to the third reading of the Insolvent Debtors' Bill, on the ground of the injury that would result from it to commercial credit, and declaring that he felt it his duty to oppose the Bill, and solemnly to protest against it.

The Earl of Moira in support of the Bill adduced several instances of great hardship in cases of imprisonment for debt, and strongly contended against the continuance of that system of the law of debtor and creditor, under which such acts of oppression could be committed.

The Lord Chancellor thought the machinery of the Bill inadequate to the purpose for which it was intended, and urged the expediency of postponing the consideration of a measure which he was persuaded would have most injurious effects in destroying that readiness with which a great number of individuals were now disposed to assist others in the confidence which they had in the provisions of the law to secure the repayment of the sums they advanced.

The Earl of Moira proposed, that the present Bill should be withdrawn till the next Session, upon an understanding that a temporary Insolvent Bill should be passed, without any restriction as to the amount of the debts, and extending to Ireland.

Lord Ellenborough had no objection to a temporary Insolvent Bill upon the model of the last.

Lord Redesdale agreed to withdraw his Bill for the present, convinced, however, that those difficulties would not be found in its execution, which some noble Lords apprehended. He thought the repetition of temporary Insolvent Bills inexpedient; but under the present circumstances, and the expectations which had been excited, he was disposed to agree to a Bill of that description.

The Lord Chancellor also had objections to the repetition of temporary Insolvent Bills, but, convinced that, in consequence of the expectations excited, something ought to be done, was willing to agree to a Bill of that nature.

After some further conversation, the order for the third reading of the Bill was discharged; and the Earl of Moira undertook to bring in a temporary Insolvent Bill.

Adjourned till Wednesday.

HOUSE OF COMMONS.

FRIDAY, MAY 31.

The Deputy Usher of the Black Rod having required the attendance of the House in the House of Lords, the Speaker went thither with the Members present, and on his return, informed the House, that he had heard the Royal Assent given by Commission to a number of Bills, (for which see the Lords).

It was ordered that the House at its rising to-day do adjourn till Wednesday.

The Glass Duty Bill went through a Committee.—To be reported on Wednesday.

Mr. Wharton had leave to bring in a Bill allowing drawbacks on foreign linen exported.

Mr. Wharton brought in a Bill for the issue of Exchequer-bills, which was read a first time, and ordered to be read a second time on Wednesday.

The Army Prize Bill was read a second time.—To be committed on Wednesday.

A Bill for imposing the like duties on coals from Devon as on those from Cornwall, was read a first, and ordered to be read a second time.

A message from the Lords stated that their Lordships had agreed to the Covent-Garden Rectory Bill without any amendment; also that they had passed the Marybone

Church Bill, to which they desired the concurrence of the House.

On the Report of a Private Road Bill from the county of York,

The Speaker, observing that an expression had fallen from Mr. Wilberforce, which went to impart that an amendment objected to had been made by the Committee after the Speaker had been in the chair of the House, immediately rose, and remarked that no Committee could be sitting after the Speaker had taken the chair; and if any amendment had been made on any Bill after the Speaker had taken the chair, it fell, as a matter of course, that such Bill be re-committed.

Mr. Wilberforce said, he was not certain, but only believed that the Speaker had then taken the chair.

The Speaker said, the honourable Member must surely have firmly believed that with which he acquainted the House.

The Bill was accordingly ordered to be re-committed.

ROMAN CATHOLIC PETITION.

Mr. Hutchinson presented a Petition from the Roman Catholics of the county of the city of Cork, praying that they and their fellow-subjects of the Roman Catholic persuasion might be admitted to that share in the constitution of the country to which they were entitled. The Petition being brought up and read, stated that upwards of five millions of his Majesty's subjects of the Catholic persuasion in Ireland do still suffer under laws oppressive in their nature to the individuals against whom they are enacted, and injurious in their effects to the interests and well-being of the nation at large.

The Petition was ordered to lie on the table.

MESSAGE FROM THE PRINCE REGENT.

Mr. Perceval brought up a message from the Prince Regent, in the name and behalf of his Majesty, stating his confidence that in the present important situation of affairs, every exertion on the part of that House would be used, and every expence provided for, which might be necessary to disappoint the efforts of the enemy, and which the exigencies of the State might require.

The Message was ordered to be referred to the Committee of Supply on Wednesday.

LOTTERIES.

Mr. Perceval obtained leave to bring in a Bill respecting Lotteries.

WAYS AND MEANS.

In a Committee on the Ways and Means, it was ordered that the allowance to the Militia Officers, Subalterns, Serjeants, &c. be made out of the Land-tax.

CATHOLIC QUESTION.

Mr. Grattan then rose, and moved that the Petition of the Aggregate Meeting of Catholics be read. He then moved that the Resolutions of the House, voting their thanks to Lord Wellington and his army, and also to General Graham and the forces serving under his command, be read; after which he rose, and spoke to the following effect:—

Sir, in wishing that these votes of thanks should be read on this occasion, it was my object that the House should be in accurate possession of its own testimony to the conduct of that race of men, the justice of whose claims to equal rights and capacities we are proceeding to discuss. We are now going to consider whether it be just or expedient that the existing system of penal laws to which they are subject, should any longer continue. I call them penal, for what else is the qualifying law? A law inflicting penalties in the most objectionable form, that is, under the disguise of an oath: a law which makes the forfeiture of conscience a recommendation to title and office: a law that enacts religion to be a crime, and purgatory a qualification. *(Hear! hear!)* I must not conceal from the House, that this is an occasion in which we are assembled to try the bulk of the population of Ireland. (*Hear*! *hear*!) We have to try them upon separate charges—upon charges against the religion they profess, and the political principles upon which they have acted. The testimony against them, I am sorry to say, is that of their countrymen, and also of their fellow-subjects. Now, although I will not affirm that it is impossible for the authors of those charges to enjoy a safe conscience—although I will not suspect or deny their morality, yet their testimony, thus directed against their fellow-subjects, is to my mind a strong presumption of their prejudice against those whom they ac-

cuse. Let their evidence be ever so good or respectable, their zeal and alacrity to render it are to me demonstrations of those prejudices. For what, in fact, does this evidence amount to? It begins by testifying that an immense body of Christians, subjects of this empire, are worse than any class or nature of idolaters; that they are not trust-worthy in civil life. But if this charge be true, then it can be no less true that the Messiah has failed, that the Christian revelation is not of divine origin, since its effect and operation has been to deprave and immoralize mankind. (*Hear!*) The charge is compounded of the dogmas of the Church and the politics of the Court—the spirit of the former being uniformly the spirit of bigotry; that of the latter, as uniformly, power. Against this evidence, we have long had the indisputable declarations, and the explicit testimony of the six most eminent Universities of Europe, disclaiming any doctrine incompatible with the strongest attachment to the civil government of every country. In addition to this, there is our experience of the fact, as proved and established in the long intercourse that has subsisted between Protestant and Catholic, and the long obedience and submission shown by the Catholic to your Government. But let us look at the charge in another point of view, and examine upon what ground it rests. It represents that you, having had possession of Ireland for 600 years, have so abused the exercise of your authority, have so oppressed and misgoverned the people of that country, that they are unalterably hostile to your interests, inflexibly rebellious to your control. (*Hear! hear!*) It represents that you stand self-convicted of a perversion of your power, and practically disqualifies you to be governors, under whose sovereignty Ireland has passed so many centuries of her existence. (*Hear! hear!*) But, Sir, I believe no such thing; I believe the assumption to be groundless, that it is unjust thus to accuse England. But such is the nature of the accusation against the Catholics; it points less against them than against England and against British connexion. (*Hear! hear!*) Depend upon it that the original source of a people's vices is the vice of its Government, and that in every instance since the creation of the world, the people have been what their rulers made them. Now, in order to disprove the justice of the charges brought against the general character of the Irish Catholics, I will first refer the House to the preamble of the statute of 1782; I will next beg their atten-

tion to the facts recorded in its late votes of thanks; and lastly to the circumstances and history of the connexion between both countries. If the allegation that the religion of the Catholics is essentially adverse to the British Government be true, let us remember that the necessary inference is that the British Government must be a public calamity, and no longer deserving of support. But give me leave, in contradiction to that allegation, to advert to the facts on which it is founded, in order that I may the more clearly shew, in the first place, that the existing penal laws are wrong, unjust, and indefensible; secondly, that their repeal is the only means of establishing the tranquillity and the security of Ireland. (*Hear! hear!*) In the year 1792, about a hundred Dissenters in the North of Ireland rebelled; this was immediately designated a Catholic Revolt. These men, unprotected by your Government, and denounced by your laws, were then declared to be in a state of general insurrection. This was your candour, this was your truth. But let me remind you that tyranny is its own reward, and that imperfect privilege is the cause and measure of imperfect allegiance. (*Hear! hear!*) In order to put down the insurgent, put down that penal code by which he is harassed and inflamed. After the abdication of James the Second, the Irish Catholics opposed the succession of William; and in reverting to the terms at length imposed upon them, let me ask, if James had been then the conqueror, and had proposed to you the same conditions, you would have accepted them, and have persevered in your submission? (*Hear! hear!*) If they submitted with reluctance, would you, in a similar situation, have submitted with any other feeling? Whenever sects wage their war of persecution against each other, they will proceed to the last extremes of hostility; this is no ordinary or generous warfare, and confiscation is not omitted among their weapons of annoyance. An Act of Attainder was passed against three thousand persons on account of their religion, and it was remarkable that those individuals were all men of property. This was forfeited accordingly to the Crown, and parcelled out to its favourites. In the reign of Charles I. forfeiture was a standing branch of the revenue; the claims of the Crown respected no charters; it held secret no private rights; it was not restrained by common shame from despoiling the people of Ireland of their property and estates. It would not be difficult to prove that it was this Royal

perfidy, this systematic and avowed oppression which at length caused that fatal massacre that has imparted so deep a stain to the history of that country. It would be easy, I think, to shew, that that prodigious atrocity was the natural result of an atrocious system of misgovernment. (*Hear! hear! hear!*)—Let me caution you to embrace no such system, if you desire that common security should be the common object of society. If you do, depend on it, not Catholics alone, nor Irishmen, but Protestants, and all persuasions, will revolt against laws by which they are painfully distinguished from their fellow-men. Suffer me now, Sir, to enter into a consideration of what has been the established principle of the British government in Ireland. This principle is that of disqualification; a principle which, whatever we may affect to think of it, in its existence implies a right to govern by conquest. If the Irish were now in a state of half-allegiance, this species of Government might be proper and necessary; if not, the policy is erroneous and unjust. For let us reflect on the necessary limits to all human legislation. No Legislature has a right to make partial laws; it has no right to make arbitrary laws, I mean laws contrary to reason, because that is beyond the power of the Deity. Neither has it a right to institute any inquisition into men's thoughts, nor to punish any man merely for his religion. It can have no power to make a religion for men, since that would be to dethrone the Almighty. I presume it will not be arrogated on the part of the British Legislature, that his Majesty by and with the advice of the Lords Spiritual and Temporal, &c. can enact, that he will appoint and constitute a new religion for the people of this empire; or, that by an order in council, the consciences and creeds of his subjects might be suspended. Nor will it be contended, I apprehend, that any authoritative or legislative measure could alter the law of the hypothenuse. Whatever belongs to the authority of God, or to the laws of nature, is necessarily beyond the province and sphere of human institution and Government. The Roman Catholic, when you disqualify him on the ground of his religion, may, with great justice, tell you that you are not God, that he cannot mould or fashion his faith by your decrees. You may inflict penalties, and he may suffer them in silence; but if Parliament will assume the prerogative of Heaven, he will not acknowledge them. In obstinate preference, he will not heed your statutes, but will look abroad into the world for examples of the

works, and into the Bible for expressions of the will of his Creator. (*Hear! hear! hear!*) But you do not pretend to this power, or to the exercise of any such authority. The qualifying oath, as to the great number of offices, and to seats in Parliament, scrupulously evades religious distinctions—a Dissenter of any class may take it—a Deist, an Atheist may likewise take it. The Catholics are alone excepted, and for what reason? Certainly not because the internal character of the Catholic religion is inherently vicious—not because it necessarily incapacitates those who profess it to make laws for their fellow-citizens. If a Deist be fit to sit in Parliament, it can hardly be urged that a Christian is unfit. If an Atheist be competent to legislate for his country, surely this privilege cannot be denied to the believer in the divinity of our Saviour. (*Hear! hear!*) But let me ask you, if you have forgotten what was the faith of your ancestors, or if you are prepared to assert that the men who made your liberties are unfit to make your laws? (*Hear! hear!*) Or do you forget the tempests by which the dissenting classes of the community were at a former period agitated, or in what manner you fixed the rule of peace over that wild scene of anarchy and commotion? If we attend to the present condition and habits of these classes, do we not find their controversies subsisting in full vigour? and can it be said that their jarring sentiments and clashing interests are productive of any disorder in the state; or that the Methodist himself, in all his noisy familiarity with his Maker, is a dangerous or disloyal subject? Upon what principle can it be argued that the application of a similar policy would not conciliate the Catholics and promote the general interest of the empire? I can trace the continuance of their incapacities to nothing else than a political combination—a combination that condemned the Catholic religion, not as a heresy, but as the symptom of a civil alienation. By this doctrine the religion is not so much an evil in itself, as a perpetual token of political disaffection, of eternal opposition to your Government. In the spirit of this liberal interpretation you once decreed to take away their arms, and on another occasion ordered all Papists to be removed from London. In the whole subsequent course of administration, the religion has continued to be esteemed the infallible symptom of a disposition to oppose—of a propensity to rebel. Known or suspected Papists were once the objects of the severest jealousy, and

the bitterest enactments. Some of these statutes have been repealed, and the jealousy has since somewhat abated; but the same suspicions, although in a less degree, pervade your councils—your imaginations are still infected with apprehensions of the proneness of the Catholics to make cause with a foreign foe. A treaty has lately been made with the King of the Two Sicilies. May I ask, is his religion the evidence of the warmth of his attachment to your alliance? Does it enter into your calculation as one of the motives that must incline him to our friendship in preference to the friendship of a State professing his own faith? (*Hear! hear!*) By a recent treaty with the Prince Regent of Portugal, made after various grants of money for different purposes, we have engaged to acknowledge no other Sovereign on the throne of that kingdom than the House of Braganza. You have not one Ally who is not Catholic; and will you continue to disqualify Irish Catholics, who fight with you and your Allies because their religion is evidence of disaffection? (*Hear! hear!*) But if the Catholic religion be this evidence of repugnance, is Protestantism the proof of affection to the Crown and Government of England? For an answer, let us look at America. In vain did you send your armies there—in vain did you appeal to the ties of common origin and common religion—America joined with France and adopted a connexion with a Catholic Government. Turn to Prussia, and behold whether her religion has had any effect on her political character. Did the faith of Denmark prevent the attack on Copenhagen? It is admitted on all sides that the Catholics have demonstrated their allegiance in as strong a manner as the willing expenditure of blood and treasure can evince. And remember that the French go not near so far in their defence of Catholicism as you in your hatred of it in your own subjects, and your reverence for it in your allies.—(*Hear! hear!*) They have not scrupled to pull down the antient fabrics of superstition in the countries subjected to their arms. Upon a review of these facts, I am justified in assuming that there is nothing inherent in Catholicism which either proves disaffection, or disqualifies for public trusts. The immediate inference is, that they have as much right as any Dissentient Sect to the enjoyment of civil privileges, and a participation of equal rights; that they are as fit morally and politically to hold offices in the State or seats in Parliament. Those who dispute the conclusion, will

find it their duty to controvert the reasoning on which it is founded. I do not believe the Church is in any danger; but if it is, I am sure that we are in a wrong way to secure it. If our laws will battle against Providence, there can be no doubt of the issue of the conflict between the ordinances of God and the decrees of Man: transient must be the struggle, rapid the event. Let us suppose an extreme case, but applicable to the present point. Suppose the Thames were to inundate its banks, and, suddenly swelling, enter this House during our deliberations (an event which I greatly deprecate from my private friendship with many Members who might happen to be present, and my sense of the great exertions which many of them have made for the public interest), and a motion of adjournment being made should be opposed, and an address to Providence moved, that it would be graciously pleased to turn back the overflow, and direct the waters into another channel. This, it will be said, would be absurd; but consider whether you are acting upon a principle of greater intrinsic wisdom, when, after provoking the resentments, you arm and martialize the ambition of men, under the vain assurance, that Providence will work a miracle in the constitution of human nature, and dispose it to pay injustice with affection, oppression with cordial support. (*Hear*! *hear*! *hear*!) This is, in fact, the true character of your expectations; nothing less than that the Author of the Universe should subvert his laws, to ratify your statutes, and disturb the settled course of nature—to confirm the weak, the base expedients of man. The decalogue says, 'Honour thy father and mother;' but human law may enact, that a man, for so doing, shall forfeit his estate. The great error of our policy is, that it pre-supposes that the original rights of our nature may be violated with impunity, in imagining that a transgression of natural law can be punished only hereafter. But there is an immediate as well as a future retribution, and a remedy provided by natural causes for this obstruction of natural justice. The early effect of the promulgation of the penal code in Ireland, was to confound tyrant and slave, Protestant and Catholic, in one common mass of misery and insignificance. A new law against English Catholics was made in the reign of George II.—and mark the consequence. Soon after the battle of Fontenoy was fought, and then under the eye of the Duke of Cumberland, we met our own law in the persons of the Irish Brigade, who on that fatal

day successfully seconded the efforts of a foreign enemy. (*Hear! hear!*) A little attention will shew us that in the same proportion as we have conceded to the Catholic have we grown strong and powerful by our indulgence, and that we have been the blind instruments of our own misfortunes, and of inflicting judgment on ourselves by refusing justice to our fellow subjects. If it be contended that to support the Church it is expedient to continue these disabilities, I dissent from that opinion. If it could indeed be proved, I should say that you had acted in defiance of all the principles of human justice and freedom, in having taken away their Church from the Irish, in order to establish your own, and in afterwards attempting to secure that establishment by disqualifying the people, and compelling them at the same time to pay for its support. This is to fly directly in the face of the plainest canons of the Almighty. For the benefit of eleven hundred to disqualify four or five millions, is the insolent effort of bigotry, not the benignant precept of Christianity. Christianity, as well as the laws of nature, cry out equally against it. (*Hear! hear!*) An honourable member once expressed his apprehension that the Catholic, if admitted to a seat in Parliament, would exert himself to promote the interests of his own religion and to dispossess the Church of England. I must remind the House, however, that it is contrary to every principle of legislation to inflict penalties on supposed offenders, or to punish imaginary crimes, and to deal out chastisement in advance. Then I will ask them to remember, that by the oaths of the Catholics, oaths which we are bound to believe, we have their solemn engagement to defend and preserve the constitution as by law established. If you acknowledge that the Church can only be supported on the ruins of Irish liberty, then I will say that the Church ought not and cannot be so supported. The Church was established that men might resort to it for consolation and hope; it was not made for the King, or for the Court, or for men of fashion exclusively. For the people it was instituted, and by its beneficial effects on the people must its excellence be appreciated. It was with this persuasion that the Kirk was established in Scotland, but widely different was the policy with respect to Ireland. Upon no other principle, however, can the Church be really recognized as the House of God. It is no longer than it adheres to that principle that it has any foundation in Christianity; when it deserts it, it becomes the asylum of

pride, of avarice, of bigotry; an establishment nourished by the worst vices of our nature, and fulfilling its baneful purposes, unlike the Church of a Christian God, by dividing, oppressing, and apostatizing mankind. (*Hear! hear!*) —In a political sense, the Irish hold every thing by the same tenure as their fellow-subjects in England; the landlord and tenant claim equally by virtue of Act of Settlement. If these titles were to be altered, and the Irish landlord should possess by the right of confiscation, and if the Church were to blaspheme the people, then we must be all in the most imminent danger; and the contest would be short and inevitable between the insulted laws of God, and the wayward decrees of men. Let us avoid any situation approaching to such a state of things. Upon these various considerations, I submit it to the good sense and justice of the House, that such remaining penalties and incapacities as attach upon the Catholics should be removed, that we may unite them with ourselves in a common feeling in a common cause. I freely admit that if there should recur a period when a French Pope might occupy the Pontifical Chair, it would be necessary to guard against the exercise of his influence in the nomination of Bishops. This, however, is an additional reason, I conceive, to induce the House to go into a Committee, in which this particular branch of the question may be fairly discussed. I shall ever be as earnest as any man in my wishes and exertions to prevent the chaos and horrors of foreign invasion, or foreign domination. It has been asserted, that what the Catholics claim is of little value. This is a poor argument against acceding to it. If one person robbed another, would it be any defence of his honesty to urge that what he had stolen was of little value to the owner? The very assertion of such an argument, which I am, therefore, sorry to hear asserted, seems to imply, that you are conscious of having so broken the hearts, and so subdued the spirit of the Irish population, that you have left them no taste for liberty—no understanding to prize its blessings. They ask, however, still for liberty, and you tell them they ask for a name. I agree that the word may require definition—that if you put it into a scale against a pound of beef, the latter will preponderate. Liberty is undoubtedly a spirit, and like a spirit is to be judged of by its consequences; it is, indeed, an essential spirit, and that which animated your forefathers when they laid the foundation of your constitution. (*Hear!*

hear!) It has been said that the Catholics of Ireland are too poor and too senseless to wish for any removal of their disqualifications. By the return made to Government, it appears that the expenditure of that country, which was but lately not more than one million, has been seven, eight, and ten millions. To say that a country which expends ten millions is too poor for liberty, is false and preposterous. In 1785, the expences of the Government of Ireland did not amount to more than 16,000*l.* annually, and the debt at that period amounted only to three millions. Every year since the Union we have levied above three millions, and we have borrowed more than sixty-five millions. We have contributed to England sixty-five millions within the last ten years. This is the country which is too poor for liberty! It is true that England has this year contributed one million to the assistance of Ireland. But what does Ireland contribute to England? Ireland contributes corn and cattle for the maintenance and support of this Island—Ireland is the hundred-handed giant, which contributes with every one of her hands to the welfare of the British Empire. Why shall we then hold such a language to Ireland? Shall we by such a language be able to talk Ireland out of the love of liberty? You will never be able to talk her out of the love for it: you will only talk yourselves out of respect for it. And when you vulgarize your minds by descending to such language, you will communicate no poison to the people of Ireland—you will merely degrade yourselves. Do you know what the privileges, are which you refuse to the Irish Roman Catholics? Do you think they merely relate to some insignificant baubles, or that they are merely confined to the obtaining seats in Parliament. The Irish Catholics are excluded from numerous and important offices; they are excluded from the Shrievalty; they are excluded from a seat in the Vestry; they are excluded from all the great places at the Bar, from Parliament, and from all the Offices of State. While these grievances remain to be removed, let it not be said that the Irish are indifferent to them, and that tithes are the only grievance which they feel. You wound the Catholic by taking away from him his civil capacity, and then you vote tithes upon him. You have marked him out as an object of degradation; you have separated him by disqualification from his Protestant brethren. One set of men are at Court, and the other are not. You instigate the lower orders to

revile each other; and if once a servant of the Crown be permitted to revile and degrade any portion of his Majesty's subjects, that portion cannot be said to be free; that portion is in every sense degraded. It has been said, that the oath of the Chief Magistrate is a hindrance to any farther extension of privileges to the Catholics. We suppose this oath to be a check, and we suppose this check immutable with respect to alleviating, but changeable with respect to grinding the subject. But this oath can by no means in any sense be construed as an obstacle to the privileges of the Catholics. The imposition of the qualification oath did not take place with regard to Ireland till 1782, because the English Parliament had no right to impose any such oath. What then has been done since the Union? You have taken from us a Parliament where Catholics were admissible, and brought us into a Parliament where, by the oath of the King, it is pretended that Catholics are inadmissible. And this is what we have got then by the Union! According to this interpretation, the Union was a most monstrous innovation, for it supposes that religion depends alone for support on pains and penalties; that is, that it is false, and that it does not stand on its own evidence; it supposes that religion is merely a state trick, and that the first magistrate can alone preserve it by the infliction of pains and penalties. It has been said, that the disqualifying oath is a fundamental law of the land. There are, I will allow, laws which are fundamental: liberty is one of the fundamental principles of our nature; and the laws which support these fundamental principles must be fundamental laws. The Declaration of Rights, for example, is a fundamental law; but the laws which deprive the Catholics of their liberty are not fundamental. In this way you would have two sorts of fundamental laws; you would have the laws which support and maintain you in the possession of your own privileges, and the laws which consign the privileges of the Catholics to damnation; as if the liberties of 10,000,000 of men could only be secured by making 4,000,000 the enemy of that 10,000,000. We must always remember, that to endear a constitution to a people, it must not be unjust towards them; and that if a people are interested in a constitution, the more likely is that constitution to be lasting. What are the terms of this oath? It declares that Mass is to be held in abhorrence, and that it is an idolatry; that is to say, that all those

Catholic nations who have been your allies are idolaters; that the Prince Regent of Portugal, whom you are bound to establish on his throne, is an idolater; the Emperor of Austria is an idolater; the King of the Two Sicilies is an idolater; that the people of Portugal, to whom you formerly voted one million, and lately two millions, are idolaters; the Spaniards, your own fellow subjects of Canada, and four-fifths of your fellow subjects of Ireland, are all idolaters. Thus the qualification of an English gentleman to serve in Parliament is a libel on his allies, and a libel on his fellow subjects. It is not easy indeed in all to draw the line of distinction, and say what laws are not fundamental, and what laws are: but here there is no occasion; for here are laws which you yourselves have declared not to be fundamental, but to be provisory. In the Union with Scotland, you expressly say that this is subject to the discretion of Parliament; you say, "until the Parliament of the United Kingdom shall otherwise provide." Such is the language on this subject, in the 22nd section of the Scotch Union, and the 24th of the Irish Union. These laws, therefore, are only provisory, and not fundamental; you have declared it repeatedly; and you have thus abandoned the great argument against the admissibility of the Catholics. By the Union, the declaration of right did not exclude for ever the Catholics; that declaration which signifies this, is subject to a future provision. Who are the parties to these Unions?—The King and the Parliaments. When I bring up to your table, then, a Petition, loaded with the multitude of signatures which it contains, let it not be said that the declaration is against them, which the Parliament of England and the Parliament of Scotland, which the Parliament of Britain and the Parliament of Ireland have declared to be no part of the fundamental laws of the land. Why was this clause introduced into the Irish Union? It was introduced for the sake of facilitating the Union; it held out to the Catholics a possibility of the removal of their disabilities in the strongest terms; and it made the King a witness that nothing stood in the way of that removal, that it was a subject free to be debated, that there was no coronation oath against it, and no fundamental law of the land. I appeal to the candour of the House, if this is not a fair construction of the meaning of this clause. Why then will you support a principle which tarnishes your national faith? If

it is said, we do not like to admit the Catholics to a community of privileges with ourselves, I will ask you if you will allow yourselves to be guided by any such prejudices, to reject a measure which is not more essential to the welfare of the Irish Roman Catholic than essential to your own safety? What would you think of the conduct of that regiment which should refuse to march with another regiment, and act along with it, because that regiment was Roman Catholic? Why will you allow yourselves to be under the influence of such uncharitable prepossessions? What must be the consequence? If you will not tolerate one another, you must at last tolerate the conqueror. England is nothing without Ireland, and Ireland is nothing without England. Do you not know that the preservation of your own religion, your liberty, and all your privileges, depends on the success of your efforts against the French? Do you not know that your success depends on your union among yourselves, and that, if instead of being united, you split and separate, you are a ruined nation. You may be a very grave nation, and a very wise nation; but if in one part of your policy, which is the most essential, you fail, if you split among yourselves, you are a ruined nation. That one error will be your death—it will render you incapable, with all your valour, to contend successfully against your foe, or even to preserve your existence as a nation. I have often wished in secret, that some Guardian Angel would lift up the sectaries above the Babel of their own confusion and the meanness of their own animosities, and shew them, in the continuance of their jarrings, ruin rendered visible—and then shew them that if they joined together they would live, and if not they would die. If you consider yourselves as embarked in a great cause, in which you can alone succeed by the union of all parties, you may yet continue to exist, otherwise you are only working your own ruin. There is one test which has missed the wisdom of the wise, which the politician has not discovered, and which the divine in his heavenly folly has also not discovered, but which has been discovered by the common man, and that is, that you must allow every man to follow his own religion, without restriction and without limitation. Catholicism and allegiance are compatible with one another. The Catholics constitute a great proportion of your armies—a great proportion of your marine force are Catholics—you continue to recruit your forces with Ca-

tholics. A statement has been furnished of the proportion between the Protestant and Catholic part of the forces quartered in the Isle of Wight and of the crews of several ships at Portsmouth, and the Catholics were by far the greatest proportion. I do not say that the number of each persuasion amount to exactly what has been there stated; but I say that in a view of our maritime and land forces, the number of Irish Catholics are such as to be enough to turn the scale of empire. They have enabled you to vanquish those French, for a supposed attachment to whom you disqualify the Irish Catholics. The Russian, the Austrian, and the Prussian armies fled before the armies of France. Neither the insensibility of the Russian soldier, nor the skilful evolutions of the Prussian, availed them in the day of battle; they all fled before the French armies; so that with her collected force she gave a final stroke to the liberties of Europe. Whatever remained of the glory of Europe, fell at the feet of France. In the last contest with Austria, feats of courage were displayed by the Austrians such as could be equalled by nothing but the courage that conquered them, and yet the armies of Austria were in a short time shattered by the armies of France. And if in another part of the Continent you have been enabled to oppose that nation with more success, to whom was that success principally to be ascribed? It was to the Scotch Presbyterian, a steady and gallant soldier; it was to the Irish Catholic, whom you have incapacitated from honours and rank, and who, while he was exposing to every breeze his garments bathed in the blood of France, was also carrying about him the marks of your disqualification. One regiment, which had lately distinguished itself in a remarkable manner, was raised in Dublin almost entirely of Catholics. Had the gallant officer who raised these men, raised soldiers on the principle on which we admit members of Parliament—had he insisted on their renouncing the Eucharist, and declaring their abhorrence of Mass, France would have had one eagle the more, and you would have have had one regiment the less; but that gallant man, far above the folly of theology, did not stop for the sanction of either priest or parson, but told the soldier to draw for his country. The question is, therefore, whether Irish Catholics are or are not as capable of allegiance as the Protestants are, of which one should

think there could hardly remain a doubt. And if I can collect at present a general sense in favour of the claims of the Roman Catholics, I shall be of opinion that the country may look to the issue of the present contest without dismay, and that she has such a security within herself, that she may behold the utmost efforts of the enemy with tranquillity.

Sir J. C. Hippisley mentioned the case of an artillery-man, which had appeared in the Irish papers. It had been stated that this artillery-man had been ordered into confinement in consequence of his refusal to attend a Protestant church; and when he asked at length for a court martial, he had been sent abroad. It appeared, however, from a communication which he had had from the Rev. Mr. Green, Minister at Greenwich, that this was not an accurate statement, and that no such punishment had been inflicted. He had known Mr. Green in another part of the world, and knew well his veracity. Though this act had been misrepresented, it appeared that no less than four general orders had been issued to prevent the possibility of such persecution; from which the fair inference was, that at least three of these orders had not been attended with effect. It had been stated to him, that in the regiments quartered in the town, the military are not only not allowed to attend their own churches, but forced to go to Protestant churches, which they look upon as a great deal worse; for it was well known that no part of the Romish religion was more strictly inculcated than the abstaining from being present at the services of other persuasions. It has been said that the commanders of regiments in the country are indifferent to the religion of their soldiers. Such did not, however, seem to be the feelings of his Majesty's Ministers; for when the Glengary regiment was raised, not on the Irish but the British establishment, there was a commission given to the Rev. Mr. M'Donald, a Catholic Clergyman, to act as Chaplain to that Regiment. It was impossible, however, that there could be a Roman Catholic Priest to every regiment, and more particularly to mixed regiments. He knew the difficulty.—He read an advertisement, however, which went in some measure to remove the difficulty, in which a prayer was stated to be composed for those regiments which might not have a Priest, in hopes that the Catholic soldiers and sailors might be permitted to join together in celebration of their worship, and might be detained from going to Pro-

testant service. He then went into the answer to the three questions proposed to the Catholic Universities, which, it had been said, were brought by Mr. Hussey, a Roman Catholic priest. He asserted that Mr. Hussey was not employed. He held in his hands the original answer which had been returned from the six Catholic Universities. Adverting to the circumstances which had attended the consideration of the questions submitted to one of the Catholic Universities, he observed that Mr. Hussey had stated, that the Act of Settlement must not be discussed at all, as the Irish Catholics acknowledged no law with regard to the succession of the crown, but that of their own country. With respect to the subject of the *veto*, he referred to the resolution of 1799 passed in its favour, and contended, that it was impossible to suppose ten of the senior prelates of Ireland to be so ignorant of the discipline of their Church, as to be mistaken in so important a point. It had been said, that this resolution was passed under the influence of government terror. This was not so, for he knew from the most respectable authority, that at the period in question they were on terms of confidence with the Government of that day. Remarking next upon the publications of Dr. Milner, he observed, that he who had been the advocate of the *veto* had become its greatest enemy; and thus the apple of discord had been thrown out between the two islands. By such publications, circulated with the most mischievous industry, the Catholics of England and Ireland had been set against each other. But many discussions had before risen on this subject; and Dr. Milner himself had stated, that he received a letter from the Cardinal of the Propaganda, one of the ablest Prelates of the Roman See, who had given it as his opinion, that though the Crown ought not to have the nomination of the Bishops, the same objection did not hold against such a negative as would afford a security for the loyalty of those appointed. Coming more immediately to the subject before the House, something, he said, was due to the honest prejudices of a fourth or fifth part of the population of the whole empire. He was sorry that so much pains were still taken to propagate prejudices inimical to their rights. What were the charges against them? They were accused of treason. He had seen publications, in which it had been asserted, that from the tenets of their religion, they must be traitors; and if called upon, he could refer to them. They had been

accused of holding principles inimical to all laws, human and divine; that faith was not to be kept with heretics; that it was lawful to dethrone a king whose creed was different from their own. Upon this ground, it had been contended, that they ought to be driven from our courts and our armies. A Prelate, in a publication called "Considerations on the Petition of the English Catholics," had arraigned the integrity of their politics, and expressed his astonishment that they should object to solemnise a rite which they considered as sacrilege. Such, unfortunately, were the opinions of some of the great teaching bodies of this country. In a book lately published, and dedicated to Lord Sidmouth, it had been asserted, that a Mussulman and a Deist might be believed on oath; but that an Atheist and a Catholic ought not. He adverted to these things merely to shew the spirit in which the opponents of the Catholics treated the subject, and how readily they ascribed to the Catholics of the present day the worst notions of former times, which never had been generally admitted as forming a part of the Catholic religion. But though the Catholics ought to be admitted to sit in that House, he thought that there ought to be a restriction of their number in proportion to the extent of the Catholic population. With respect to the motion of his right honourable friend, he wished that he had gone somewhat farther than a Committee of the whole House. This would not be sufficient to lay the grounds for the introduction of a Bill. Why not do that upon a question of this importance, which was done on Turnpike Bills? A Select Committee should be appointed, with power to send for persons, papers and records, and to examine into the whole facts. The great officers of state, the prelates of the country might sit upon this Committee, and inquire whether the laws against the Catholics were suited to the circumstances of the times. Here he adverted to the declaration of an eminent prelate, who had said, that the greater part of his diocese was Catholics, that he had no hope of making them Protestants, and therefore had put into their hands the works of an excellent Catholic Divine, that he might at least make them good Catholics. The declaration against the Catholic religion, signed by Members of Parliament, he called a farrago of nonsense, and hoped that they should not long be under the necessity of subscribing it. After stating, that his late friend, Mr.

Windham, had agreed with him in his opinion in favour of the Catholics, and praising the liberality with which many respectable Protestants had subscribed for the support of some of the Catholic seminaries of this country, he again recommended the appointment of a Select Committee, whose proceedings ought to be printed and published. This would do much to remove the prejudices against the Catholics. The expence was no consideration. The abominable perjuries of Bedloe and Oates had been published by the House, and this had contributed much to promote the prejudices that existed against the Catholics. Adverting again to the *veto*, he stated that the Resolution of 1810 against it, had been signed only by 21 bishops, and that nine of these were the same who had signed that of 1799. Of the six bishops of the province of Connaught, only one had signed it. But in the Resolution of 1810, there was not a word reprobating that of 1799. It only stated, that it was inexpedient to grant the *veto*. In conclusion he observed, that though uniformity could not be obtained, union might—and, whatever might be the result of the discussion of that night, he had no doubt the Catholics would ultimately succeed. [We regret that owing to the very inaudible tone in which the honourable Baronet spoke, we are unable to give any thing like a correct outline of his speech. It is obvious that from the impossibility of catching more than a sentence here and there, the bearings of the different parts on each other, could not be exactly collected, nor the connexion preserved with accuracy.]

Mr. Herbert (*of Kerry*) stated, that it had been his lot to spend about one half of his life in Ireland, and the other in England, and he was well acquainted with the dispositions of the two countries. On that account he requested permission to trouble the House with a few words—though, representing as he did so considerable a portion of the Irish Catholics, he could hardly at any rate have been contented with giving a silent vote. He believed that the utmost harmony and union of sentiment might be produced between the people of Great Britain and Ireland, if the proper means were used for that purpose. He was convinced that when the odious distinctions in point of civil rights between Protestant and Catholic were done away, every one would be amazed how they had been permitted to subsist so long. They were two sects—he could

not call them different religious communities. The tenets of both were much more nearly allied than many imagined. Confession and absolution formed part of the Church of England creed as well as of the Catholic, and in several other essential points they were not far asunder. He himself was a Christian of the Church of England. If that church was exposed to danger, it was not from the Catholics so much as from other quarters; and he thought it would be good policy, even with a view to the security of the Church of England, that it should form an union with the parent Church. He saw no danger whatever in granting the Catholics all they wanted. For a long time before the Revolution, the Catholics enjoyed all they now claimed, and yet the Protestant Church had stood. But then it might be said, indeed it had been said, that if you granted power to the Catholics, they would not be contented with an equality of civil rights, but would insist that their religion should be established. At present, however, their request was reasonable; and why should that be denied because an unreasonable application might possibly follow? He did not think, however, that it would follow. The Catholic religion, like others, had been softened in the progress of civilization; and the weight of influence would always remain in the hands of the Protestants. At the time of the Union, hopes had certainly been held out to the Catholics that their civil rights would be restored, though no positive promise had been made to that effect. But it was a debt of honour which ought to be paid. He himself unquestionably understood that the Union would be followed by a removal of the Catholic restrictions, and had contributed to deceive the Catholics on that head. The hope had been encouraged, and in conversing with his friends and with Catholics on the subject of the Union, at the time it was under discussion, he had never hesitated to state what he thought he had good reason to believe, viz. that the consequence of that measure would be Catholic emancipation. Such he was satisfied would have been the consequence, had it not been for an unfortunate accident. Still he was not sorry that the Union had taken place; and he was sure that, in the long run, the claims of the Catholics would not be urged in vain.—With regard to the *veto*, he would not touch upon it at all. It was sufficient that it had nothing to do with the present question, which

was merely whether the House should go into a Committee on these Petitions. Strongly impressed with the justice of the Catholic claims, and the expediency of granting them, he did not feel himself called upon to dwell upon the dangers that might be supposed to result from refusing their immediate concession. He knew many of the most respectable of the Catholics well—he knew that they were grateful for the favours they had already received, and that they would not despair of the justice of the United Parliament, with regard to such as were still wanting. He had sat with Catholics on many occasions in transacting the business of his country, and could bear testimony to their loyalty, patriotism, and congenial dislike of the conduct of France. He could bear testimony to their worth in a military as well as a civil capacity. A noble friend of his and himself had raised a militia regiment, consisting mostly of their own tenants, in which no party differences had arisen. Catholic and Protestant had readily coalesced, as he had no doubt they would do in every instance if these disabilities were removed. With regard to the coronation oath, he did not think there was any thing in it hostile to the Catholic claims. He then adverted to the loss which the country sustained by shutting out Catholics from the highest situations in the Army, and concluded by giving his support to the motion.

General Mathew said, that all the dissenters of the empire, whether Scotch or Irish, were entitled to the full benefits of the Constitution, as being equally interested with the Protestants in its security and prosperity. What the Irish Catholics now asked was a matter of right so unquestionable, that the only wonder was how it could have been so long denied them. As to the vain and futile prejudices which had been advanced against their claims, they were long on the decline. As to certain objections which had been made upon the pretence of certain of their supposed religious tenets, they had been so clearly exposed and refuted by the hon. baronet (Sir J. Cox Hippisley), in his speech last year (a speech, by the bye, in every respect superior to, and very different from, the hon. baronet's speech of that night,) (*A general laugh*!) That speech had so completely succeeded in removing all such errors and prejudices, that it would be presumptuous in him to attempt to dwell longer upon that part of the question. He then proceeded to shew

the strong claims of the Catholics to the rights they now claimed in the services rendered by them to the empire at large, and more particularly in their military capacity. He did not hesitate to state that the great military successes of this country since the commencement of the war were chiefly to be attributed to Scotch and Irish valour. The mere English soldiery had the least share in it. He did not say this from any principle of invidious comparison: far from it—no man more prized the steadiness and valour of English troops than he did; but it had so happened, that the opportunity fell most to the Irish and the Scotch. The early part of the campaign in Egypt was the work of an immortal hero, whose name was the pride of Scotland. The glorious termination of that campaign was reserved for his gallant and revered friend, Lord Hutchinson, an Irishman; and the work throughout that campaign was chiefly begun and completed by Irish and Scotch. The men who had stormed Monte Video were Irish Catholics—the men who had astonished the French at Maida were Irish Catholics—the men who had most distinguished themselves at the battle of Vimiera were Irish Catholics—in the hottest part of the battle of Busaco was a clear majority of Irish Catholics; the 38th regiment, who had so admirably charged the enemy in that action, were to a man Irish Catholics—and in the battle of Barrosa, when that gallant and skilful officer, General Graham, led his troops to victory, need he remind the House what was done by the Irish Catholics upon that memorable day? (*Hear*! *hear*!) The 87th; to a man Irish Catholics; the brave 87th, the Prince's own Irish heroes—(*A laugh.*)—he would repeat the title—he was one who was not ashamed of being proud of that distinction—(*Hear*! *hear*!) The Prince's own Irish heroes—(*A laugh.*)—Gentlemen might laugh; he wished that they had been in the ranks of those Irish heroes on that glorious day, and then they might learn the true way to be of use to their country—(*Hear, and a laugh*!)—there they might have seen how those brave Irish heroes executed to perfection their orders. They indeed spared their powder, but gave the enemy the steel with a vengeance. (*A laugh.*) How was the Isle of Bourbon taken? By the valour of the Irish Catholics under the conduct of as brave and skilful an officer as any in the service—he meant his gallant friend and respected constituent, Lieu-

tenant-Colonel Keating. The gallant General then proceeded to show, that the continuing the penal laws would have the effect of putting down recruiting in Ireland, and had already considerably diminished it; but if the Irish Catholic was put on the footing of the English; if they were sent out under the command of their own brave countrymen—of such men as the Irish Generals, Lords Wellington, Hutchinson, Marshal Beresford, Spencer, Doyle, Pack, &c. The navy, he further contended, was manned by more Irish than English, as there were many foreigners in the navy. He concluded by stating that if the Irish were well used, they might be led by a silken thread. The Irish demanded but their rights, and their rights they would have. With his last breath he should support the cause of the Irish Catholics.

Dr. Duigenan began by reading the oath taken by the Roman Catholic Bishop, on his installation; the substance of which was, as well as we could collect it, an obligation binding him in an unqualified submission and obedience to his Lord the Pope, to augment his power, and to the resistance and persecution of heretics, infidels, &c. &c. assailing the doctrines or power of the holy Mother Church. He then proceeded to read the oath taken by the Priest, on his taking on him the priesthood, which was the same as the former, with respect to the obligation binding him in entire submission to the Pope. He commented upon an alleged clause in the oath, which said, in speaking of the Roman Church, "out of which there is no salvation." These were the persons who complained of intolerance: men who have been, at all times, the most intolerant sectaries in the world;—who had received benefit after benefit from this country, and yet who had evinced their gratitude as they had done. There was not a people in any other country who had been treated with more leniency and moderation than the Romanists in Ireland. (*A laugh.*) He repeated it, that there was not, in the present state of Europe, a people to be found any where enjoying more civil liberty, rights and privileges, than the Irish Roman Catholics.—(*Hear! hear! from the Opposition.*) They have never been impeded in the exercise of their religion, in the enjoyment of their liberties, laws, and lives. (*A laugh.*) And yet these were the men who complained of intolerance—men who never had been tolerant themselves when they were in power, and who never can be tolerant, by the rigid

tenets of their religion. In the tenth article of the Co
dant between Buonaparté and the Pope, the fo
claimed the appointment of all the bishops in Franc
then a fierce despot saw the necessity of guarding ag
the abuse of this power in the Pope, by securing to hi
that appointment, how much more were we justified i
manding it, and yet they saw what a stir had been in
diately raised upon the question of the *Veto*. And
there was a general opinion, that the loss of the Pope's
poral dominions necessarily limited his spiritual power
was no such thing. The spiritual dominion remained
gether unimpaired. As to the great stress which had
made upon the opinions of the six colleges, he thought
was no argument; for it was well known in the histor
the Reformation, that in the dispute between Henry
Eighth and Charles the Fifth, respecting the divorc
Queen Catharine, they had caused divers applications t
made to all the colleges in Europe, and that each party
as many colleges with them, and contradictory to e
other, as they could bribe; money could have had any
nion from them—they advised for those by whom t
were bribed. He should pass from those colleges to
real object of this petition. What was it the Catho
wanted? Neither more nor less than to subvert the Cor
tution from the first of Elizabeth, down to the present
riod, but there were one or two facts, respecting which
should beg leave to undeceive the House. The Irish
man Catholics had been rated at four millions. They
no such thing, the whole population of Ireland, be k
from accurate documents, did not exceed 3,500,000.
laugh from the Opposition, with cries of Hear! hear!)
spoke from the survey made by Mr. Bush, at the rat
six to a house; whereas the fact was, that there were
five to a house. Now, of these 3,500,000, at the lo
calculation, 1,500,000 were Protestants, and this left
millions of Roman Catholics; but this was not all—t
two millions had not above one 49th part of the prop
of the country in their hands. How then were the t
paid? The Catholics could not pay out of nothing, *ex
hilo nihil*. The Catholic peasantry were so wretch
poor, that when the hearth-money tax was attempted t
levied in Ireland, it was obliged to be abandoned, tho
the tax was but 2s. a year for each cottage, so that the

tholic could not pay a halfpenny a week tax towards the aid of the burdens of the country. There had been a great deal of noise about the Roman Catholic soldier, and his exploits in the field. Why, he believed that the Irish Roman Catholic soldier did behave well in the field—as well as any man—but what was that to the present question? When the soldier entered the army, he enlisted for the money he got, and not for glory. (*A laugh.*) But as to the proportion of Catholics to Protestants, he took upon himself to say that in the regular forces there were a hundred Protestant officers for one Catholic officer, and there are in the militia ten Protestant officers for one Catholic officer. He admitted, however, that the Irish made good soldiers after they had become one body with the English, and had been consolidated with them. But what had been the object of over-rating the numbers—of adding a million every year to the sum? It was for the purpose of intimidation—of frightening us by their numbers, into a reluctant compliance. His statement would be found to be accurate—it was founded on documents, and not on gasconading and bravadoing. The larger sum had been adopted for the purpose of bullying us into consent. He next came to the oath of supremacy: this was fundamental; but Dr. Troy had told them, in his letter to the people of his diocese, that the oath of supremacy was a matter of faith. He proceeded next to show that the decrees of the General Council were affirmed to be as good authority as the Holy Scriptures.

Lord Jocelyn differed most materially from the learned gentleman who had just sat down. He was a conditional friend to the Roman Catholic claims; and the condition he required was the cession of the *veto*.—Without the *veto*, he did not think it secure to grant them what they asked for.

Mr. Bankes thought the present an imperfect measure, because it must lead to ulterior objects, and those, too, such as might endanger the constitution of this country. Many men seemed to think that it could have no tendency to produce this, and were of opinion that no such thing was intended; but there were men even of ability, who might be made the dupes of cunning men, less able than themselves.

Mr. Tighe strongly supported the motion of the right

honourable gentleman (Grattan). From the time of Henry II. the Irish had constantly claimed a full participation in the Constitution, and he thought they were clearly entitled to it.

Mr. C. Adams thought the question was, if we were to have a Protestant establishment? He had maturely thought on the subject, and was by no means convinced that we would have a Protestant establishment if the Roman Catholics had what they wanted. It was denied that they practised idolatry; yet they professed the worshipping of saints, which was recognised as part of their religion. He detested persecution as much as any man. He liked toleration; but still he wished to have it toleration, and not to have it right.

Mr. Ponsonby said, that having formerly troubled the House so much at length, he should not now enter fully into this subject, particularly at that time of the night. The speech of his honourable friend near him, however, (Mr. Bankes) filled him with astonishment. He said, if you gave them this, then they would be for something more; they would never be satisfied, but would still increase in their demands, till they had erected themselves into the national church. Yet his honourable friend, at the same time, agreed that the year of the Union would have been the best time to bring forward this measure, and that every year increased the difficulties attending its accomplishment. His honourable friend said, that though the measure of emancipation was supported by persons whose intentions were good, they were urged on by others whose views were different, and that they were only the instruments of those other persons. If the honourable gentleman would look to the situation of the Catholics of Ireland, he would see how far they had reason to complain. You might say to one—you may be a barrister; you may be a person of the highest integrity, and of the highest qualifications: but open the Statute-book, and you will find that you are proscribed; you may possess the highest talents, but can you be ever one of his Majesty's Counsel? Was such a state of things endurable? Was it reconcilable to the common passions of mankind? Yet such was the law of the country: and such being the law, he put it to the honourable gentleman if it was desirable that against such an awful state of things, there should be no remedy. To the soldiers, they might

say, you may fight our battles, you may lose your lives in our service, b. you cannot by law get above a certain command.—The moment you are most fit for command, the moment you are qualified to be useful, that moment you are arrested in your progress, and your services can no longer avail either yourselves or us! What would be said to Colonel Keating who had lately so gallantly distinguished himself—"You have acted nobly; you have surpassed our most sanguine expectations; you have deserved well of your country, and are entitled to that promotion which your merit and services deserve; but, on these very accounts, being entitled to be advanced above the rank of a Lieutenant-Colonel, you must leave the service; we cannot longer accept of your services, nor can you any longer employ these abilities, and the other shining qualities which you possess, either to your own honour or to our advantage! There was not a person in Ireland, down even to the very meanest of the people, who did not sensibly feel this degradation, lament it on account of the gentlemen of the country, and seek to be relieved from it. As to the idea of some of the gentlemen interested in this question having thought lightly of the services of a noble Lord (Grenville) or of his (Mr. Ponsonby's), he could only say that he acted to the best of his ability and judgment, and that he felt no inclination to relax in his exertions in their behalf, in whatever view they might regard his services. He did think that he thereby served not the Protestants alone, but the Catholics also; not the Irish alone, but the whole country. What were the great evils, however, which were expected from this measure being carried into effect?—the subversion of the national church?—If so, were the Catholics more likely to effect this now than they were ten years hence?

Mr. W. Smith said, it had been asked, if this measure was extended to the Roman Catholics of Ireland, would it not be expected that it should go to the different sectaries in England also? He did not know what was expected, but he could say that in his opinion it ought to extend to all. The right of sitting in that House was all the privilege they enjoyed more than the Catholics; and during the years he had been a Member, he could not have held a situation of the most trifling kind under the Crown, without transgressing the law of the land, for which he must be punished, were it not for the annual Indemnity Bill. All the

evils of which we had to complain, arose from toleration and indulgence. He abhorred such terms. He knew of nothing but religious liberty, which was the right inherent in every man to worship God in his own mode. For this he contended, and he thought the Catholics were entitled to it as well as every other sect of Christians, as a matter of right.

Mr. Perceval observed, that the honourable gentleman who spoke last, had revived the claim and right which had some time ago been urged in the course of these discussions, but which had been dropped during the two last times when this question was agitated, and which had not been heard of to-night, till introduced by the last speaker. Who were they, he asked, who claimed this as a matter of right? Persons who regarded it as a matter of trust in others, and who, according as they were instructed, would use the privileges granted them, not for the maintenance, but for the destruction of the religion of those who enabled them to assert their right. The principle on which he was always against this immunity was, that it could not be yielded without leading in no slow degree to the destruction of the national Church. If tithes were against the universal canon of the Almighty, and no country had a right to impose them on those who did not belong to the Church—might not the next application on the part of the Catholics be, that they should be admitted to participate in them according to their numbers? And the next, that they should be admitted to the whole? If he did not misunderstand the right honourable gentleman opposite (Ponsonby), on the former occasion, when this question was agitated, he would not have supported it but for the *veto*. Now he did not hear a word of the *veto*, and this was of itself a sufficient reason for him (Mr. Perceval) to oppose the motion, though he confessed he did not do so solely on this account. He was as strong a friend as any man could be to Christian toleration, but he believed in no toleration of philosophy.

Mr. Whitbread called on the right honourable gentleman, who was a friend to Christian toleration, and an admirer of the Gospel of Christ, to open that Gospel, and shew him where he could find the Church and State united together, and where he could find, though tithes were created by men, that they were designated by God, as the engine of political aggrandizement, or of individual or national oppres-

sion? The right honourable gentleman denied philosophical toleration; Socrates was a philosopher, and Christ himself was the greatest philosopher that ever lived. Did the right honourable gentleman recollect that these statutes against Popery were the emanations of perjury and lies—just like the cry raised by himself in 1807—just like Lord George Gordon's riots in the year 1784—the right honourable gentleman himself being now at the head of that or of a similar mob? Dr. Duigenan, whom all deserted when his nomination as a Privy Counsellor was called in question, must be declared by acclamation to be the Privy Counsellor chosen by the right honourable gentleman himself. That right honourable and learned Doctor had made a most illiberal attack on Mr. Finnerty, describing him as a person who had been a journeyman taylor.—He (Mr. Whitbread) had no noble parentage to boast of, but he never despised an honest or meritorious man on that account. He would remind the right honourable and learned Doctor, of a story which had probably escaped his recollection. It having been mentioned as a matter of disparagement to a person who had amassed a fortune, and got into a genteel line of life, that he had at one time been Boots, as it is called, at an inn: the person in reply confessed, "It is true, I once was Boots at that inn, and now I am what you see me; but if you had ever been Boots there, you would have been so still." The honourable gentleman proceeded to allude to the gallant exploits of Lord Wellington, General Beresford, and General Pack, and asked, ought the country to have been deprived of their services, they being Irishmen, because they believed in Transubstantiation? Or if they were now to become converts to that belief, ought they on that account to be dismissed the service? The case was an extreme one; but still it was exactly in point, and the right honourable gentleman drove him to it. Had the right honourable gentleman considered the nature of his Militia interchange plan's when he censured his noble friend, (E. Grey's) measure in favour of the Catholics? What was Lord Howick's measure? The opening of certain situations in the Army to the Catholic Officers. Why, by this interchange you brought Catholic soldiers, commanded by Catholic Officers, to defend these realms!—This was Lord H.'s measure on a scale ten times more extensive. And was it this then that endangered the Church?—Was this the ground on which the cry of No Popery was raised?—But

the matter did not rest here. The casualties of the army at the lowest computation amounted to 22,000—(would to God they were not more!)—and your ordinary recruiting furnished only 9000—you were forced to have recourse to volunteering from the Militia. The Catholic soldier would not go without the Catholic Officer. The Officer, therefore, must be permitted to go; and here was Lord Howick's measure completed. These inconsistencies could be accounted for upon the supposition that on this subject the right honourable gentleman, ingenious and acute as he was, entertained prejudices so gross, that it was impossible for him to see any thing clearly through their mist. But the right honourable gentleman's intolerance had injured the recruiting. For these three years past the Catholics had not enlisted. The priests had prevented them, and no wonder. Give back, then, their privileges to the Catholics, for they had them before. Give them by degrees; or, if you do not, the time will come when they must be given at once—and that once may be a season of serious convulsion in the state. The right honourable gentleman took it for granted, that the Church was the greatest of blessings, and yet he had admitted tithes to be a grievance in Ireland, which, if possible, it would be highly desirable to get rid of. But his objection to the consideration of the petitions was, that the Catholics having got that length, would immediately endeavour to abolish the tithes. He wished they were abolished in Ireland. It would be a great good to Protestant as well as Catholic. The Church which, be it recollected, was a human arrangement, not one made by him who came from Heaven, would then have its property in land. The plan of commutation of tithes for land had been carried a certain way in this country; and both parties could hardly fail to make a good bargain. He was sorry to hear that the Church had of late opposed that commutation. But why did the right honourable gentleman set up against this motion a bugbear—an alarm of doing that which would do so much good to the Protestant and Catholic peasant? All this time they talked of the Church as perfect—zealous in the discharge of its duties—without spot or blame. Was that the case? Where the Church failed, he was glad to see sectaries rise. It was of the last importance that the minds of the people should be furnished with religious instruction. The worship of God ought not to be neglected, because Churchmen did not do their duty.

Where the Church lost, it was fortunate for the community that the sectary gained; and if the Church was negligent in Ireland, why should not the Catholic gain? Adverting to the good effect that had resulted from the defeat of Lord Sidmouth's Bill, by the united opposition of the Dissenters, he observed, that before he complimented the Chancellor of the Exchequer upon his conduct in that matter, he would have been sure that he deserved it. He did not know that the right honourable gentleman had been hostile to that measure. But whether hostile or not, the opposition to it was such, that no Minister could have carried it. The Catholics came in the same manner—they prayed for these privileges—they had said that their Sovereign had been gracious to them—that he had conferred many favours on them. An honourable friend of his had endeavoured to illustrate the bad effects that would result from this measure, by citing from history the efforts of the Roman Plebeians to render themselves equally admissible to the offices of the state with the Patricians. He had expected to hear this followed up by a statement, that when the Plebeians had succeeded, they poured into these offices as the Roman Catholics, it was presumed, would pour into this House. But what was the fact? Why, that none of the Plebeians were elected for some years. But it had been stated, that his friends had themselves held out that these claims ought not to be considered, without the admission of the *Veto*. They had said no such thing. The cause had been pleaded by Mr. Fox, who said nothing of this *Veto*. His right honourable friend (Mr. Grattan) had afterwards said that he had authority to concede it, and with this he was now taunted. Why? he thought he had authority—he thought Dr. Milner one worthy of trust, because he was a man held in general esteem. What Dr. Milner now appeared to be, all must know. His right honourable friend had been deceived; but he had rather be the deceiv-*ed* than the deceiv-*er*. It had also been urged that this would increase the influence of Buonaparté. How? He had the Pope in his power indeed; but would the Irish Catholics be less inclined to foreign influence with their grievances existing, than they would be if they were removed? Or was not the removal of grievances the only effectual way to counteract that influence? Had the Pope prevented Spain and Portugal from resisting Buonaparté? The case was so clear that one would think it impossible that the House should

refuse to go into the Committee. And yet he thought it would refuse.—But the Catholics would have this consolation, that of all the men who had held high situations for some time past, the right honourable gentleman and one or two others, disciples of Mr. Pitt, as they said, but wandering so far from his opinions on this subject, were the only persons who said that the Catholic claims ought never to be granted. Such was the conduct of the right honourable gentleman, who looked for its rule, as well as he (Mr. Whitbread) did, in the Gospel. There they searched for what was due from man to man, though understanding so differently the sense of the sacred book. In vindication of Lords Grenville and Howick, he stated that his noble friends never professed that these claims ought to be granted without some security for the established Church—but what the nature of that security should be was not a matter of so much importance. After some observations on the inapplicability of the instance of the self-called philosophers of France, he concluded by expressing his sincere hope that the day would come when those claims would be considered —and when no such infernal cry of "No Popery" would be raised as that which had been excited three years ago.

Mr. Stephen commented in severe terms upon Mr. Whitbread's sentiments. He declared the toleration which he had panegyrised in France, to be nothing but a mixture of despotism and hypocrisy; but, indeed, he believed, that there was no measure of Buonaparté's of which the honourable gentleman would not be the apologist or advocate. *(A loud cry of Order, take down the words.)*

Mr. Whitbread.—"The words impute to me such a degree of criminality, that I must insist on their being taken down."

The words were repeated to the Clerk, and taken down.

The Speaker—"The next step is to have the words read, in order that the honourable gentleman to whom they are imputed may deny or justify them."

The words were read.

Mr. Stephen.—"I might have used the words which preceded those, but I do not recollect those which followed."

The Speaker.—"The next course is to divide the House on the question, whether the words have been used or not. Does the honourable Member persist in that determination?"

Mr. Whitbread.—"I have considered that as the offence

was a public insult to the House, I ought to demand their apology here, rather than elsewhere. (*Hear! hear!*) I am so far satisfied, and I do not believe that the honourable Member meant the words in the full extent to which they might be imputed."

Mr. Stephen.—"I really uttered the expression which I did, hastily, in consequence of the irritation of the moment, at, as I thought, the unfounded and unwarrantable imputation cast on my right honourable friend."

Mr. Whitbread.—"Does the honourable Member mean to say that I am an enemy to my country?"

Mr. Stephen.—"Far from it; I believe the honourable gentleman to be as warm a friend to the country as any man can be."

The Speaker.—"This business is now at an end."

The cry of question here becoming very general,

Mr. Grattan then rose and observed, that he knew how irksome it was to them to hear any further arguments at that late hour, but something had fallen from the right honourable gentleman who spoke last but two (Mr. Perceval) which required animadversion. He had said that he (Mr. Grattan) had changed his manner of introducing this question. It was his duty to shew how mistaken he was, and that he had utterly misrepresented the part which he had taken. He did not abandon the statement which he then made. He had said that he (Mr. Grattan) had excluded foreign nomination then, and that he abandoned it at present. He did not abandon it. He said it would be necessary to prevent French nomination; but that that was a matter of regulation; and he added that they should act handsomely towards the Catholics in the first place, but also that they should take from them that security which the State might require.—He had in this done better than the right honourable gentleman, with his degrading concession. The right honourable gentleman had said, that he had once pronounced a panegyric on a certain Doctor—He never had. He had said that he was our little deity—He never said any such thing. The right honourable gentleman said that he (Mr. Grattan) undertook to speak the opinion of the Catholics of Ireland. He had never said any such thing. He had surely said that he was, informed by Dr. Milner that such were their opinions, but he never undertook to promise for their truth. The right honourable gentleman had said that he had expressed himself, that to pay tithes to the Protestant Clergy

was against the canon of the Almighty. He said no such thing. He had said that when they were taking from the Catholics their tithes, and taking away from them their qualifications, that that was against the canon of the Almighty. Let them take tithes—very well, but why also take away their civil qualifications? This was a doctrine of the right honourable gentleman; and it was an abominable doctrine, though he dared to say it was his sincere faith. Were you to take from a people their civil capacity because they paid your Church? This was an attack on the rights of the Catholics, and went to separate the morals of religion from religion itself. It was of the utmost importance never to separate morals from religion. In taking away from one-fifth of the Empire their civil qualifications, the right honourable gentleman said he had no charge to bring against the character of the Catholics. Indeed! and did he profess that they were eternally to lie under the deprivation of their civil privileges, while no charge was to be imputed to them? He calls civil capacities power. He (Mr. Grattan) did not care by what name the exclusion went; it was enough that it was an exclusion from the State, from the Legislature; and was not that an exclusion from civil capacities? It was not in the art of a Minister's declamation to alter the nature of things. The Catholics, he says, will destroy the Church; and he goes on and states, that if they destroy the Church they will destroy the State; and he goes on to state, that if they destroy the State they will destroy the Church; for this was the whole of his argument; it was merely an echo upon an echo—a repetition on a repetition. He urged no argument; he relied on the force of his vociferation in place of argument; he had never attempted to prove any thing that he said—he said I think, and I think; and he thought wrong. He had said he had no objection to the character of the Catholics; and yet before the Catholics could destroy the Church, they must be perjured. This is the having no objection to the character, to suppose them perjured. He had called him (Mr. Grattan) the Declaimer of the Catholics; he (Mr. Grattan) said that the right honourable gentleman was the Declaimer for Bigots; and if ever there was one declamation without any share of truth or eloquence, it was that speech which he had made against one fifth of his Majesty's subjects. He has given another reason for their disabilities: the Catholics serve in your Army and Navy (*A laugh from the opposite*

side.) The honourable gentleman laughs; but gentlemen who side with Ministers are accustomed easily to laugh. What did he mean but this, when he said—If you had their service under the disabilities, why remove them? Well, then, he gave up his charge; he allowed they were base, because what pretence could he have to refuse these privileges but disaffection? If that be his conviction, let him refuse them. But if the Catholics were bravely serving in your army at the expence of their blood, that argument could not be too justly abominated. It shewed how much men could be carried away by fanaticism and bigotry; it shewed how apt they were to swerve from moral duty. What was the solidity of the argument, that if the Catholics fought well in the army abroad, that they would fight equally well under degradation at home? He strives against you at home, because you oppress him; and he fights for you abroad, because you there trust him. It was easy to point a repartee to any thing, but it was not so easy for the right honourable gentleman to point an argument. Because the Roman Catholic pays your Church and fights your battles, therefore he is to be disqualified. The right honourable gentleman had shewed in this a higher spirit of bigotry than he could have expected from a politician; but his country would shew him that it was not in the power of a declamatory Minister to prevent them from obtaining their object. He had maintained that the Roman Catholic having a religion, was in itself no disqualification, and that if he was free from treasonable practices, he stood precisely as any other Dissenter who was a Protestant. If the first was right, they were right, because their political opinions were unimpeachable.—Would, they, without inquiry, refuse to admit that portion of their fellow-subjects to a participation of privileges, whose loyalty could not be impeached? The right honourable gentleman had shewn no reason why they should be either excluded from the State or the Army; and that seemed to him to be sufficient for disqualifying himself from continuing to be Minister of the Country.

The House then divided—

For the Motion - -	83
Against it - - -	146
Majority - -	63

The House then adjourned.

HOUSE OF LORDS.

WEDNESDAY, JUNE 5.

THREE-CRANES BRIDGE.

Lord Keith brought up the Report of the Committee, and moved that it should be taken into consideration on Monday.

Earl Stanhope gave notice, that on that day he should move the recommitment of it. He wished the plan of the engineer to be fully considered, as he thought it not sufficient for the purpose. Though he thought that the plan of this bridge, which comprised three arches, each twice the width of Oxford-Street, was practicable, yet he doubted the merits of Mr. Rennie's plan.

Lord Keith stated his opinion in favour of the talents and capacity of Mr. Rennie, and mentioned the opinions of Dr. Hutton, which were also in his favour.

Earl Stanhope said, that he had a high opinion of Dr. Hutton, and for that reason, wished the Bill to be recommitted; believing that Dr. Hutton's ideas would be found to be similar to his own.

The Duke of Norfolk had no objection to that particular bridge, but complained of the injury to the navigation of the Thames. His Grace objected to the making so many new bridges, while the navigation was thereby obstructed.

The Report was received, and ordered to be taken into consideration on Monday.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, JUNE 5.

COTTON MANUFACTURERS.

Colonel Stanley, after a few preliminary observations on the distresses of the Cotton Manufacturers in Lancashire, moved that their petition, praying relief, should be referred to a Select Committee, to examine the matter thereof, and report their opinion to the House.

Mr. Blackburn seconded the motion.

The Chancellor of the Exchequer observed, that undoubtedly there was every disposition in the House to give attention to these petitioners, and if possible administer relief: but he confessed, that after all the attention which he had given to the subject, he did not think that this was a case which would admit of any practical relief. In this point of view, to refer these petitions to a Committee, would only encourage expectations which it was not probable could admit of being realised: at the same time, if any gentleman had any particular mode of relief to propose, he should not oppose the Committee. This was the view that he took of this interesting and distressing subject.

Sir R. Peele suggested that it might be practicable, perhaps, to afford such temporary relief as might prevent the manufacturers from emigrating to rival countries, and till they could turn their hand to some other occupation.

Mr. Ponsonby was friendly to the appointment of a Committee, because some gentleman might suggest a plan there, which he might not choose to advance in public. At any rate, if relief was found impracticable, the petitioners would receive a denial more contentedly after examination than if examination was refused altogether.

Mr. Rose thought, what had fallen from the right honourable gentleman who had just sat down was decisive upon the subject. If any thing occurred to that right honourable gentleman, which might afford practical relief to the petitioners, that was a reason for going into the Committee. For himself, he did not think that any one of the remedies expected or desired by the petitioners could be applied with benefit. Even the honourable Baronet behind him (Sir R. Peele), whose opinion on the subject he had heard both in public and private, did not consider any of the plans proposed possible. However, as the distresses of the petitioners were great, and they had borne with exemplary patience the privations to which they had been subjected, he was of opinion, that if any mode of relief could be devised, Parliament could not be better employed than in providing the means of carrying it into effect.

Sir Robert Peele and *Mr. Ponsonby* explained.

General Tarleton trusted, that the House would inquire into the distresses of the petitioners with a patient attention. Their petitions were such as it was becoming them to present, and their appeal was made to the generosity and libe-

rality of the House. The sons and brothers of many of the persons whose names were signed to these petitions were shedding their blood in the cause of their country; but even their conduct was not more meritorious than the peaceable behaviour of the petitioners under their sufferings. He hoped, therefore, that the House would, by agreeing to the motion, shew that they were ready to inquire whether any relief could possibly be afforded to them.

Mr. Davies Giddy had attended all the Committees which had inquired into this subject since he had the honour of a seat in that House, and the conviction upon his mind was, that no human ingenuity could devise the relief required. When the last report was made, he felt this impression so strongly, that he had given notice of his intention to oppose any motion for laying such petitions in future on the table. But still, as it might be better to agree to the present motion, than to reject the application in a peremptory manner, though he expected no benefit to result from the proceeding, he should consent to go into the Committee, under the impression that it might tend to soothe the feelings of a very meritorious class of subjects.

Mr. Adam observed, that as it seemed to be admitted on all hands that an investigation into the distresses of the petitioners, with a view to ascertain what practicable relief could be afforded them, ought to take place, the only question was, what that relief was to consist of. It had happened to him to know, that in a small district in the country with which he was more particularly connected, distresses such as those complained of by the petitioners had been very severely felt. He knew, also, that these distresses had been in a great degree relieved by the measures taken by humane individuals, and the voluntary exertions of those who had the means of assisting towards that object. The relief thus afforded had been productive of highly beneficial consequences. It might be right that the Committee should consider how far relief, such as that he referred to, could be applicable to the case of the petitioners. He wished, however, not to be understood to say, that the precise mode of relief, which had been found so serviceable in a small district, would be equally beneficial if resorted to for the relief of the large bodies of manufacturers whose distressing case was then under consideration.

Mr. A. Baring agreed with the right honourable gentle-

man opposite, (the Chancellor of the Exchequer) that unless some practical relief was likely to result from the adoption of the motion, they would by agreeing to go into the Committee only excite expectations which would afterwards be disappointed. He for one should object to any relief by a grant of money. The distress was general amongst persons connected with the commerce of the country; and if any inquiry was to be instituted at all, he thought that the Committee should be appointed to examine into the general system of the commerce of the country; and to ascertain whether there was any thing radically wrong in that system to which the distresses of the manufacturing classes could be ascribed. This point had been adverted to in the petitions, where the distresses of the manufacturing classes were in part attributed to the state of our relations with America. The trade with America was that of which alone the enemy could not possibly have deprived this country. He should not, then, assert, whether it may not have been possible so to have regulated our politics, as to have maintained amicable relations and commercial intercourse with America; but certain he was that the situation in which we stood with respect to America was that in which the enemy most would desire to see us placed. He thought, also, that if the inquiry could be entered into, with any prospect that the House would sit long enough to allow of its being conducted to any beneficial result, the system of granting licences, which had been so much cried up, should at the same time be investigated. This was the only measure that could be looked to for any satisfactory consequence; but perceiving that the feelings of the House were in favour of going into the Committee, he should not press this point farther.

Sir John Newport thought, that, as the honourable Baronet opposite (Sir Robert Peele) stated it as his opinion that it would be gratifying to the feelings of the petitioners to accede to this motion, that consideration alone ought to be sufficient to weigh with the House. He was decidedly of opinion that any grant of money ought to be deprecated: but he thought that the relief might be rendered effectual, if the manufacturers should be enabled to send the articles on their hands to a market not now accessible to them. He threw out this suggestion for the information of the House generally, because he knew that a measure of the description he alluded to, had been successfully adopted in a case

of similar distress in Ireland. At all events, by going into the Committee, they would show the petitioners, that they were ready to do every thing in their power for their relief.

Mr. Wilberforce was fully aware of the danger of exciting, by agreeing to the motion, expectations which might afterwards be disappointed: but there was one circumstance which made him of a decided opinion upon this occasion. He would agree to going into the Committee, lest their motives should be misinterpreted—lest, if they refused to agree to the motion, it should be supposed that they were not aware of the extent of the distress. The amount of that distress they could not so clearly ascertain without entering into a grave and solemn inquiry: and, if it should unfortunately, after such inquiry, be found, that no practicable mode of relief could be devised, he wished it, at all events, to be clearly understood by the sufferers, that every attention had been paid to their claims in that House; and that the evil they complained of was not redressed solely because it was beyond the power of that House to remove it. He thought it particularly desirable, that it should be well understood from the first, that they entered into the inquiry not from any certainty of being able to afford the relief applied for, but with a view to ascertain whether it was in the power of that House to grant any relief whatever.

Mr. Pole Carew would object to the Committee being authorised to report any thing but facts. The House would recollect what inconvenience they and the public had sustained from having had to debate a question for seven days arising out of a Committee of last Session having exceeded its powers. He wished to avoid a similar inconvenience in a future Session, and should not therefore consent to give any powers to this Committee, but to report facts.

The motion was then agreed to, and the following Members appointed of the Committee:—Colonel Stanley, Mr. Blackburn, Lord Archibald Hamilton, Mr. Bootle, Mr. Davenport, Mr. Rose, Mr. Western, Mr. Bradshaw, Mr. Wilberforce, Mr. Whitbread, Mr. Pattison, Mr. Patten, Sir James Shaw, Sir John Anstruther, Sir James Graham, Sir John Newport, Mr. Ponsonby, Mr. Long, W. D. Giddy, Mr. Adam.

The Petitions from Air, Renfrew, and Lanark, and also from Paisley and Glasgow, were referred to the same Com-

mittee; and the Committee was directed to report the same, with their observations thereon, to the House, after a few words from Mr. P. Carew in objection to this direction, and from Mr. Rose in support of it.

SPIRIT DRAWBACKS.

The Chancellor of the Exchequer, pursuant to notice, moved for and obtained leave to bring in a Bill to suspend the payment of drawbacks upon spirits exported from Ireland to England, or from England to Ireland, till three months after the commencement of the next Session of Parliament. The right honourable gentleman stated his intention to be, to bring forward a measure for regulating the countervailing duties and drawbacks in next Session; and added, that the object of this Bill was to protect, until the other measure should be passed, the English distiller from an advantage possessed by the Irish distiller, according to the state of the existing law. The duty was not made to apply to strength in Ireland as here, and consequently the Irish distiller might distill at the highest possible strength; suppose 100 gallons, which would bear lowering by the addition of 30 gallons of water. Duty was paid but for 100 gallons, and on exportation the whole duty was drawn back, and the Irish distiller had 30 gallons duty free for the internal consumption. The right honourable gentleman observed, also, that it was his intention, when the Bill should come to the Committee, to move an instruction for the introduction of a clause, prohibiting the exportation of spirits from either country to the other, except such as shall be warehoused.

After a few words from Sir John Newport, the motion was agreed to.

INQUIRY INTO THE DELAYS OF SUITS IN CHANCERY.

Mr. M. A. Taylor moved the order of the day for resuming the adjourned debate on this subject, which having been read accordingly,

Sir Samuel Romilly observed, that having on a former occasion stated to the House the reasons that induced him to think that the motion of his honourable and learned friend should be agreed to, he had then to inform the House that nothing had since occurred to make him alter the opinion he before expressed. The report, which was then expected

from the Committee of the House of Lords, had since been communicated to that House, and appeared to him to contain nothing to prevent the House from going into the Committee moved for by his honourable friend. The measure proposed, of appointing another Judge to assist the Lord Chancellor in his Court, he considered of such importance, that he thought it impossible that it could be carried into effect at so late a period of the Session, when so thin an attendance was to be expected in both Houses of Parliament. An alteration in the constitution of the Court, which would be productive of the most serious consequences, required the most assiduous attention of both Houses. He had many personal reasons for wishing to abstain from giving any opinion on this question; but considerations of public duty obliged him to deliver his sentiments upon it. The first novelty of the measure was, that it would establish a Judge in the Court of Chancery, who should not have to try original causes, but merely to decide upon appeals. That was an experiment, which no man who knew any thing of a Court of Equity, would think ought to be lightly hazarded. The whole system of equity in this country was founded on the decisions of successive Chancellors from Lord Nottingham down to the present time; and it was necessary that those who had to administer the equity laws of this country should be in the constant habit of deciding original causes in the Court of Chancery. If the duties of the Lord Chancellor were too great for him to perform, it would be better to separate from his office the duties of the Speaker of the House of Lords, or the decision of Bankrupt cases, though he saw considerable objection to either, than to take from him the decision of original causes, and that jurisdiction which constituted the very essence of his office. He knew it might be said, that to separate bankrupt cases from the jurisdiction of the Lord Chancellor, would diminish his emoluments too much. He did not think it would; but if even it should, that ought not to stand in the way for a moment of an arrangement necessary for the public interest. He was utterly astonished at the little information supplied in the Report from the Lords' Committee. It stated only what business had been done in the ten latter years of Lord Hardwicke, and in the ten last years; but it gave no information whatever as to the business which had not been gone through, nor as to the causes of the delays. It appeared by the Report, that

from the year 1745 to 1755, the number of original causes decided was 1638; in the last ten years the number was 570. It did not appear, however, that the business of the Court of Chancery had increased of late: but it would be an unjust inference to make from the statement in the Report, that the business had actually diminished. The only way in which he could account for the business not having increased, was, that many points, which were doubtful in Lord Hardwicke's time, had since been settled. The increase of motions was double, but that was no proof that the business was doubled. He hoped if he was wrong in any of the causes which he had stated, that his learned friend opposite would set him right. He regretted much that there were none of those learned gentlemen present, who, from their practice in the Court, would have been adequate to decide on this subject; perhaps, however, it might not be convenient to them to attend. He considered, however, that his public duty was so imperative that it ought to supersede all private convenience. From all the consideration which he could give to the subject, he thought that a temporary remedy was best adapted to the occasion; and he believed in his conscience that if a commission to assist the Chancellor was appointed, all the arrears in the Court would be disposed of in the course of a year. He voted for the Committee.

The Chancellor of the Exchequer said, that they had now before them an account from the Lords, of the causes which had led to the suspension of justice in their House and in the Court of Chancery. In order to obviate the inconvenience in consequence of this, they had entered into a regulation to devote, after this Session, a longer attendance to the hearing of causes. There now appeared to be 338 appeal causes in arrear. Their Lordships had proposed, then, to give up three days in the week, from ten in the morning, till a great number of their arrears were discharged, and two days a week afterwards till they disposed of them entirely. Many causes had concurred to a delay this Session, which were not among the natural or average causes of delay, and therefore could not be considered as likely soon to occur again. He had only to instance the great time which was necessarily occupied in the consideration of the Banbury and Berkeley Peerage causes. It had naturally occurred to their Lordships, that if they were to sit for the consideration of Writs of Error at ten in the

morning, that, of course, a deficiency must occur in the Court of Chancery. They then, in order to remedy this, suggested the creation of an additional Judge in the Equity Court, which situation the new Judge was to hold during his good behaviour, and not during pleasure, as had been insinuated by his learned friend. His honourable and learned friend seemed to doubt that Chancery business had increased during late years. He owned he was very much surprised at this doubt, after hearing the statement that motions in that Court had so multiplied. It had, however, been mentioned, either by his learned friend or by the learned gentleman who moved for the Committee, as one of his great reasons for doing so, that the business of Chancery was so much increased, that if a cause was now set down in the list, many years might elapse before a final judgment could be pronounced on it. From all he had heard, indeed, he was inclined to believe, that a very great increase of business had taken place in that Court. He knew very well that many of the motions which lately occurred were motions of course; but he knew also from the statement submitted by the House of Lords, that there were many of a different description. For the ten years before the last there were 57,000 motions, and 2,700 petitions; during the last ten years there were but 37,000 motions, and 1,668 petitions. With respect to the measure which might be proposed by the Lords, he thought it much better to wait until their Bill came down, and then would be the proper time to discuss it. After what had been said, however, he must in fairness declare, that it was possible he should be for passing the Bill this Session; but still of course, if delay was necessary to the adoption of a wise and proper remedy, no ill-advised expedition should thwart so desirable an object. As they had the chief cause of the arrears in the Court of Chancery already before them, he should vote against the appointment of a Committee.

Mr. Ponsonby denied that there was in the statement of the Lords one single satisfactory reason for the delay of justice in the Court of Chancery. The right honourable gentleman had said, that the number of motions which had of late been made, might account for the delay. What was the reason, however, of the increase of motions? Why simply, because the attorney or client in a cause could not get the opinion of the Court directly on the cause itself;

they were glad to come at it by a side wind, in the way of a motion. Those motions, then, were the effect of the delay, and not the cause. The way proposed, however, to get rid of all these inconveniencies, is by the appointment of a third Judge; and the right honourable gentleman would have the House wait for the Bill from the Lords before they came to a determination. But how were they to determine unless they inquired? or, how was it to be expected that a Bill was to get a fair consideration which would most probably not come down until there were not fifty Members in town to consider it? He was aware that much extra business came before the Court this last year, in consequence of the numerous bankruptcies; but he hoped the right honourable gentleman did not mean so to govern the country as that he should calculate upon a similar recurrence of failures in future. (*Hear! hear!*) As to the creation of a third Judge, in his opinion it would rather go to increase the delay than remedy it; because the Chancellor being the supreme Judge in the Court, every suitor had a right at last to claim his final opinion, which would be thus removed a step by the interventron of an intermediate jurisdiction, between him and the Master of the Rolls. In his opinion, however, the expedition of justice in the Court of Chancery depended in a great degree on the Chancellor himself. If the Chancellor was a man of knowledge and talents, and of a proper constitution of mind to decide on the causes, then the delay would not take place. Whether this was the case with the present Chancellor, or not, he would leave to others to determine. The delay in the Court of Chancery necessarily brought on the increase of appeals in the House of Lords; for where suitors imagined they could get any thing by delay, they naturally had recourse to it in any way in which they could. He was quite clear that this was a temporary evil, and ought therefore only to have a temporary remedy. At all events, the one which had been proposed could have no other effect than to aggravate and increase the existing inconvenience.

Mr. Wilson opposed the motion, in a speech of considerable length. His experience in the Court of Chancery, for twenty-two years, had led him to conclude, that the business of that Court had greatly increased, and hence in part originated the delay complained of. With the Report of the Lords before the House, the proposed inquiry appeared

to him ill-timed and improper, and the House ought to suspend their opinion till the measure proposed by their Lordships came before them in the shape of a Bill. He paid some high compliments to the talents of the present Lord Chancellor, who was equally distinguished for his enlarged comprehension of the principles of equity, and for his practical knowledge of the business of his court.

Mr. Adam entered into an examination of the Report which had been received from the other House of Parliament. The measure of creating another Master of the Rolls would not diminish the business of the Chancellor; it would only increase the number of appeals, for the suitors would be anxious to repair to the last resort; while it would impose a new expence on the public, and give the Crown additional patronage. The Court of Chancery, as now constituted, was competent to the dispatch of all its business. What was to hinder the Master of the Rolls, for instance, from sitting at the same time with the Chancellor? at present he only sat in the evening. The report of the Lords, though it stated the number of appeals from Scotland, was extremely defective in not stating how many were received every year, and how many were decided. He knew this fact, that at the time of the Union with Ireland, he was employed as counsel in the very last case of appeal that then stood on the roll; and now they were multiplied to the number of 260.

Mr. M. A. Taylor observed, that after the unanswerable arguments which his honourable friends had advanced in support of his motion, it would be intruding on the House, were he to occupy much more of their time. The delay in the dispatch of business could not admit of a doubt; and the House of Commons, who were the guardians of public justice, were now called upon to investigate whether that delay was an evil merely temporary, or inherent in the constitution of the Court of Chancery, and arising from an increase of business that could not be overtaken by one man. Were the House of Commons so lost to a sense of their own dignity and importance, as to be guided entirely by the report of the Lords, without inquiring for themselves? He must say of this report, that with all the wise heads which were about it, it was one of the flimsiest compositions he ever saw. He would say, that if the Chancellor was relieved from the load of bankruptcy proceedings, that would do a great deal to expedite the Chancery busi-

ness: but the fact was, that the profit arising from that branch of the Chancellor's commission was so great, that no one liked to part with it. If there was to be a new master, his salary ought to be paid from the profits of the Chancellorship. If the Chancellor could not discharge all the duties, why should he have all the emoluments?

A division then took place, when there appeared—

Ayes	-	-	36
Noes	-	-	36

The question was decided in favour of the motion for inquiry by the casting vote of the Speaker.

The Committee to consist of the following among other gentlemen:—Mr. Taylor, the Master of the Rolls, Sir S. Romilly, the Chancellor of the Exchequer, Mr. Ponsonby, Mr. Adam, Mr. Tierney, Mr. Giles, Mr. Wilson, Mr. Horner, Mr. Leycester, Mr. Peele, &c.

It was ordered, that the said Committee have power to search the Lords' Journals touching all proceedings in matters of appeal and writs of error.

Mr. Taylor also moved, that it be an instruction to the Committee to examine into all the fees and emoluments taken by the Lord Chancellor in his jurisdiction of Chancellor, as well as in Bankruptcy proceedings.

The Chancellor of the Exchequer thought that this point would be a subject of inquiry with the Committee now sitting on public offices. The instruction appeared, therefore, unnecessary and exceptionable.

Mr. Ponsonby believed, that the business of that Committee was to inquire into the profits of sinecure offices: and the office of Chancellor could never be considered as a sinecure. If another person was employed to relieve the Chancellor, it was but fit to consider whether that person should be paid by him who was relieved, or by the public. The inquiry, therefore, into the fees and emoluments of office was very necessary.

Mr. Bankes believed, that the powers of the Committee on Sinecures did not extend to the office of Chancellor. There were some officers about the Chancellor who held sinecure situations, and received large fees, part of which went to the Chancellor. Into these offices the Committee on Sinecures could examine, but not into the emoluments of the Lord Chancellor.

The Chancellor of the Exchequer declined pressing his opposition, and the motion was agreed to.

VOTE OF CREDIT.

On the motion of the *Chancellor of the Exchequer*, the House went into a Committee of Supply.

The Chancellor of the Exchequer rose to propose a Vote of Credit, to the extent of which, he believed, there would be no objections, as it was the same that was granted last year. He should therefore move, that the sum of three millions be granted to his Majesty, as a Vote of Credit, to enable him to meet any designs of his enemies, and to provide for any exigencies that might arise.

Mr. Whitbread said, that he should not have offered any observations on the present motion, if he had an expectation that other opportunities would occur before the prorogation, of stating to the House what appeared to him to be of great importance with respect to the interests of the country. It appeared to him that there could no longer be any doubt whether our commercial warfare with Europe and with America had or had not been successful. He was sure that this question was settled beyond all doubt in the minds of the suffering manufacturers, whose petitions had been this day before the House, and whose claims the Chancellor of the Exchequer had very reluctantly allowed to go to a Committee. It had been already passed as a resolution by that House, "that since the year 1806, and particularly from the beginning of the year 1807, a system of proscription had been exercised by France which greatly diminished our exports to the Continent." As far, then, as regarded the policy of this country with respect to Europe, it appeared, even from the Resolutions of that House, that the policy of this country had failed; and that the line of policy which France had adopted, as contrasted with our policy, and considered with respect to the objects which the enemy openly avowed, had been fully successful. With respect to America, also, the House had resolved "that the intercourse with that country was uncertain and interrupted." It must be recollected that a few years ago we had been told by the authors and advocates of the Orders in Council, that the trade with America would not be much affected by them; that trade would force its own way; that America would soon see her true interests; and that our intercourse with that country would remain undi-

minished. America, at that time, told this country, that if she persisted in orders so contrary to the rights of independent nations, she would suspend the intercourse between the two countries. The authors of our Orders in Council anticipated no evils from this measure; but the distresses of our manufacturers now clearly proved that great evils had resulted from it, and that the loss of the American market had been severely felt in this country. No man attempted to deny the sufferings of our manufacturers, or to say that they were over-stated in their petition. Their misery was sufficiently well known to the world, and the only reason alleged for not going into a Committee, was the impossibility of giving them any substantial relief. If the inquiry should, however, now take place, he hoped that it might still be possible to prevail on Ministers to retrace their steps with respect to America, and to re-open that market to our exports. We had been often told, that it was impossible to repeal those Orders in Council, until the French decrees should have been repealed. If, however, the Berlin and Milan decrees were now actually repealed, why not repeal the Orders in Council? If there were doubts whether the French had really repealed those decrees or not, should not some experiment be made to learn whether they were sincere or not? When it had been in the power of Ministers to put this matter to the test, it appeared to him, that a noble lord (the Marquis Wellesley) had shewn a dilatoriness, and a negligence of conduct, which was quite astonishing. In his negociations with the American ambassador, he appeared to shew a considerable degree of inattention. The American Minister had left the country; the negociations had completely broken off, and must recommence when Mr. Foster shall arrive in America. The communications between the two Governments had now been published by America, and he could conceive no other reason for having denied them to the House of Commons but merely to gain time. He could not avoid feeling very sincere regret, that a minister of such talents and such temper as Mr. Pinckney should have left the country. There never was a minister whose patience and forbearance had been more put to trial than Mr. Pinckney's; and he thought that it would be hardly possible to find a negociator equal to him, not only for supporting the interests of his own country, but for discussing with fairness the points which were disputed between the two countries. The

course of the communications respecting the revocation of the French decrees was this: On the 25th of August, Mr. Pinckney communicated to the Marquis of Wellesley the revocation, expressing an expectation that the Orders in Council would be revoked also. The receipt of this letter was not acknowledged until the 31st of August. On the 12th of October the British merchants applied to the Board of Trade to know whether the Orders of Council would be revoked in consequence of the revocation of the French decrees. The Vice-president professed entire ignorance of the revocation on the part of France, and advised the merchants to call on the Chancellor of the Exchequer. That minister was then out of town; and no communication having been made to the merchants by the 9th of November, they, on that day, presented another memorial, and, on the 12th of November, Lord Bathurst saw the Committee of Merchants, and expressed a doubt of the decrees being really revoked by France, and a wish for some practical proof of it. The Committee immediately offered, as a way of obtaining this practical proof, to send off to France a rich American ship, which lay off Mother-bank, if she could obtain protection from the Admiralty cruizers. This offer was refused. On the 19th the Committee saw Lord Wellesley, who expressed himself to the same effect as Lord Bathurst had done. They offered to him the same means of obtaining a practical proof, and were again refused. What could be more strange than that Ministers, after having always professed that their Orders of Council should only subsist while the French decrees were in force, should yet neither take any measures themselves to ascertain whether the revocation was real or not, but should refuse the practical proof when offered by the merchants? It appeared as if Ministers were afraid to give up their darling object. Lord Wellesley, however, said, that he would give an answer in a few days. No answer, however, did arrive, and on the 22d of December the merchants presented another memorial; and on the 29th they saw Mr. Hamilton, the Under-Secretary, who told them that Ministers had no satisfactory proofs of France having actually given up her decrees. They again presented a memorial on the 12th of January, without any better success. It did appear to him that during all this time Lord Bathurst and Lord Wellesley had shewn gross inattention to those important interests which were involved in

that question. On the 2d of November, the President of the United States published his proclamation, declaring that the Berlin and Milan decrees had been revoked. In consequence of this proclamation, many vessels cleared out for France from America. Some of those were taken by our cruizers, and the first of them was the Fox, the case of which was highly important, as governing the fate of the other vessels taken under similar circumstances. This vessel, the Fox, was claimed by the American Minister on the ground that the French Decrees having been repealed, the British Orders in Council ceased of course. To this claim no answer was made; but the King's Advocate received a letter to suspend the proceedings until after the departure of Mr. Pinckney and Mr. Foster from this country. Sir William Scott was, however, the other day proceeding to give judgment against the claimants, and only suspended the judgment on its being stated to him that new evidence could be produced of the revocation of the French decrees. This new evidence was the letter of the Duke of Bassano to the American Consul, Mr. Russell. Those who first brought forward those Orders in Council, did so from the supposition that they would operate in favour of this country; but when they had witnessed the ill effects of them, he should have supposed that they would have been glad to escape from them, and would have taken the earliest opportunity of moving for rescinding them. By their licences they had been in the daily habit of violating their own system, and now they seemed to wish to preserve only that part which has been proved to be most prejudicial. All reciprocity of intercourse between this Country and America was now at an end. America was ready to send her exports to this country, but not to receive ours in return. Such was our intercourse with France. She allowed us, for her own interest, to purchase from her articles of the first necessity, but she would admit no exports from this country. Ministers had frequently been warned that their system was attended with this great danger,—that America might be driven to manufacture for herself, and then, even if the present misunderstanding should be settled, we would no longer find the market which it was in our power to have retained. Our exports might be encountered in America by domestic regulations made to protect their own manufactures. By a report of the progress of manufactures in America, it appeared that in the year 1810,

there had been manufactured in the state of New York alone, above 8 millions of yards of woollen cloth, 5,700,000 yards of linen, and 211,000 of cotton cloth. By this report it was certainly intended to shew America that she could do without England. Ministers appeared to him to have been grossly inattentive to a subject of the highest importance. Whether they expected war or peace, he could not say; but it appeared to him that commercial war must end in actual war; and that if the Orders in Council were not rescinded, there must soon be conflicts between the vessels of the different countries. He had already had an opportunity of delivering his opinion respecting the policy of this country towards the states of Europe. He should not hesitate still to say, that he wished that advantage might be taken of the present favourable posture of affairs, to try whether peace was practicable or not. He knew that he was charged with being ready to accept any peace at any time: but he trusted that he would be as unwilling as any other gentleman to accept of peace on terms that were not honourable for this country. He was ready to pay the warmest tribute of his admiration to the merit which had been displayed by Lord Wellington. Nothing which could happen in future could make him retract from that praise which he had given to what Lord Wellington has already done; but looking at the many glorious and sanguinary battles which had lately taken place, he saw no grounds for confidently anticipating a favourable result to the war. He therefore thought that it was a time that it would be proper to try whether peace might not be obtained on honourable and reasonable terms. The other point to which he would direct the attention of the House, was of a nature purely domestic. He could not help thinking, that with respect to the state of his Majesty's health, the country had not been fairly dealt with. Every day, from the 20th of February down to the 25th of May, the public were led to believe, by the bulletins which were published, that his Majesty was recovering, and would be very soon fit to reassume the reigns of Government; and yet it now appears that he is extremely ill, and the public have but little reason to suppose him better than he was many months ago. It appeared to him that there ought to be another examination of the physicians before the Session was closed. On the former examination the physicians said, that in proportion to the duration of the disease was the danger of a relapse.

Now, if his Majesty recover, and be advised to re-assume his power when Parliament should not be sitting, and afterwards relapse, Parliament would have in the next session the same tedious and operose machinery to go through again for the purpose of supplying the deficiency in the Executive. When from the answers of the Physicians it appeared that a relapse would be highly probable, he thought it was evident that some measures ought to be taken to prevent the country from being again for many months without any Executive Government. He had already given notice of an intention to propose some measures to guard against the recurrence of such a calamity; and he should certainly take an opportunity before the close of the Session, of proposing something to that effect.

The Chancellor of the Exchequer allowed that on a question of Supply every gentleman had a right to introduce whatever topics he thought proper into the discussion. He trusted, however, that the House would excuse him from going at any length into the details of the various subjects introduced by the honourable gentleman in the speech he had just delivered, and be content with such observations as he thought it necessary to make upon the most prominent parts of it. When he submitted the Resolution he had just laid on the table to the consideration of the Committee, he had not entertained the slightest idea that the honourable gentleman would go into so wide a field of argument on subjects, some of which, according to notice, he meant to bring forward for distinct and specific matter of debate: he (Mr. P.) could not, therefore, be supposed to come prepared to answer them fully when thus unexpectedly introduced. With respect to the commercial question, he could only say, that there was no pretence for stating, in consequence of the petitions which had been alluded to, that the system had failed on our part, and that it had succeeded on the part of France. It was by no means fair to infer, that because certain extraordinary circumstances have happened in the course of the commerce of Europe, our trade and manufactures have alone being injured, and that France had not suffered in as great a proportion. This was a question on which many persons of great authority widely differed; and it was at present certainly undetermined. He, for his own part, verily believed, that had we never made our Orders in Council, not a single part of the trade of the Continent would have been different from what it now is—but the

situation of France would undoubtedly have been far more advantageous, and her commercial concerns more prosperous, had we, as the honourable gentleman seemed to desire and recommend, acquiesced tamely in those decrees, and thereby degraded and debased the Country by a sacrifice of its best and dearest rights, the careful maintenance of which had brought us to our present state of glory and comparative prosperity. If we looked to the affairs which had been passing in the Peninsula, we should find that France, during the last six months, had not been able to pay her armies; on the contrary, we had in all that time never failed to pay ours to the utmost farthing. This was one instance of our superiority and advantage over France, for our trade alone had enabled us to do it; but if we turned our eyes to the general state of distress which pervaded the whole Continent of Europe, we should find that our own difficulties, great as they unquestionably were, bore but a small proportion to what were experienced abroad. The effects of our Orders in Council were not, as the honourable gentleman and others had said, to prevent commerce, but to encourage it; and that they had done this one strong proof was, that in addition to his Milan and Berlin Decrees, the Tyrant of Europe was obliged to resort to others which condemned our goods to be burnt in order to get rid of them—those very goods which we had the means of getting into Europe in spite of all his tyranny and vigilance. He believed, indeed, there never was a proceeding which rendered more detestable the despotism of the Ruler of France, than that of the above result flowing altogether from our Orders in Council. With regard to what had fallen from the honourable gentleman as to our commerce with America, he (Mr. Perceval) believed that no man in this country ever seriously believed the Milan and Berlin Decrees were absolutely repealed. It was true they had been repealed prospectively, and conditionally; that is to say, either when Great Britain should give up her Orders of Council, and also her blockade, which was stated to be a novelty. If we would consent to give up these, and all the maritime rights on which our present power was founded, then they were to be repealed; or, if we refused to give up our maritime rights, and America would take up arms against us, then they were to stand repealed as to America, but not as to us. Could any man suppose that this country would bear such an idea, as that it would endure any set of Ministers who could countenance

such degrading proceedings upon such bare and doubtful evidence? The manner in which the intelligence had been brought to us was not to be depended on; it came in such a questionable shape, as would by no means warrant us in repealing our Orders in Council. He hoped the House would not think it necessary that he should answer as to the particular applications made to Lord Bathurst or Lord Wellesley, or the answers returned; but he knew very well that his Majesty's Ministers had never any wish to delay rescinding the Orders in Council, whenever they could be fairly satisfied that the Milan and Berlin Decrees had been actually repealed. The honourable gentleman had asked whether he (Mr. Perceval) would agree to lay before the House such papers relative to our negociations with America as had not been published by the American Government. To this he would answer, that if the honourable gentleman had not the whole of them in his possession, he (the Chancellor of the Exchequer) would not consent to produce one, because, in the present state of the negociations, nothing perhaps might turn out more injurious to the interests of both parties. The honourable gentleman had in the next place proceeded to the state of the Peninsula. On this head, he (Mr. P.) give him credit for a candid retraction of a former opinion; and the praises bestowed on Lord Wellington were highly honourable to his feelings. He (Mr. P.) could not, however, help thinking, that when the honourable gentleman once took up any gloomy view in the prospective, he was not able easily to get rid of it, or to suffer it to brighten on his vision. Last year the honourable gentleman wished every man we had in the Peninsula were at home; and now, after all our late brilliant successes, the honourable gentleman has again his doubts as to the final issue of our efforts there. For his own part, he (Mr. P.) said, he certainly could not venture to predict what would be the ultimate fate of our arms in the Peninsula; but our prospects were, in his mind, much better now than they were when the honourable gentleman last year looked on them with so desponding an eye. He (Mr. Perceval) might perhaps from the commencement of our interference have entertained more sanguine hopes of success than many others; but still he thought, as we were now joined by our Allies with more spirit and enthusiasm than they at first evinced, and our generals having so repeatedly shewn that they can beat the most celebrated generals and the

best disciplined troops of France, we might, without being accused of too much presumption, venture a hope, that our future efforts would not be in vain, and might still look forward without fear or dismay. The honourable gentleman had said, he thought we should still keep our eye fixed on peace, but feared the experiment had never been fairly tried. Whether that was the case or not, he (Mr. Perceval) would not pretend to decide. The last time it had been tried, it was by those of whom the honourable gentleman of course could not but think well; and they had tried it so long, that he believed the length to which the negociation was carried, had been universally allowed to have produced the most injurious consequences, not only to this country, but to all who were at that time in alliance with us. As to the question of his (Mr. P—'s) having doubted the power of the House to grant money in the case of Mr. Palmer's claim, and then coming to it a few days afterwards for a vote of credit, he considered the cases to be very different, the one being the disposal of the supply, the other the supply itself. As to the remaining argument respecting the King's health, it was time enough to speak of that when the honourable gentleman should bring forward the subject. All the arguments urged for it was, that Parliament, in case of the King's recovery, might be improperly prorogued; but there was no more reason to suppose that in this case, than in any other. He was then asked whether he would have any objection to produce the examination of the Physicians before the Queen's Council. He must confess he saw no reason for it at present, but it was time enough to debate that when the question was regularly brought before the House.

Mr. Rose spoke in favour of the Orders in Council, and of the answers given to the merchants by Lords Bathurst and Wellesley.

Mr. A. Baring spoke at some length against the Orders in Council. He thought the Ministers might very safely and properly have rescinded them on the declaration by France to America that the Milan and Berlin Decrees had been repealed. It was evident from the conduct of the French Government, that Buonaparté was fearful we should think they were repealed, and dreaded our acting accordingly. He (Mr. B.) was of opinion, that if Ministers had rescinded the Orders of Council at that time, Buonaparté would have been greatly mortified.

Mr. Whitbread replied generally to the observations made by the Chancellor of the Exchequer, in which he persisted in all the arguments he had previously used.

Mr. Rose explained.

The question was then put, and carried without a division.

MILITIA INTERCHANGE.

On the question of the third reading of the Militia Interchange Bill, Mr. Parnell moved that a clause should be introduced, establishing the right of the Catholic soldier to attend his peculiar place of worship on his coming into England. This was objected to, on the ground, that his religious immunities were already secured by the Bill. After a long conversation the House divided, and the clause was rejected by 56 to 21.

The other orders of the day were then disposed of, and the House adjourned at half-past two.

HOUSE OF LORDS.

THURSDAY, JUNE 6.

VOTE OF CREDIT.

The Earl of Liverpool moved the order of the day for taking into consideration the message of his royal highness the Prince Regent, which being read, his Lordship moved an humble address to the Prince Regent, in answer to his gracious message, in the usual mode, assuring his Royal Highness that the Lords would make good the same.

The Earl of Suffolk rose, and made a few observations. He approved of our exertions in the Peninsula, but doubted the efficiency of the Spanish forces to carry on the necessary efforts, more and more important as the contest was evidently becoming. He wished to know what had been done respecting the better disciplining of the Spaniards, especially after what we had seen of the efficacy of discipline among the Portuguese?

The Earl of Liverpool said, those who had the honour to advise his Royal Highness were alive to the necessity of ameliorating and increasing the effectiveness of the Spanish forces. It was, however, too delicate a subject for him to

enter into the particulars of what representations had been made to the Spanish Government, and what answers had been received. It was nevertheless open for him to say thus much, that the quality of the military arrangements in Andalusia had been much improved during the last few months. The recent conduct of the Spanish troops had manifested the courage and sincerity of that gallant nation. The later military appointments were, he thought, very satisfactory and promising; and he hoped that some farther arrangements would be adopted, which would give general satisfaction, and promise greater effects.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, JUNE 6.

PRIVILEGE OF PARLIAMENT.

Mr. Lockhart stated, that he held in his hand a petition, which he felt it his duty to present to the House, and he trusted the House would do him the justice to believe, that it was with pain and reluctance he presented it; because it contained matter seriously affecting the honour and character of a Member of that House, and also involved a question respecting the Privilege of Parliament, which it was desirable should be clearly understood. The petition was from a person named Peter Batty, and stated that at or since the late election for Stafford, the petitioner had applied to the present Member to know how he could procure the discharge of a marine soldier from his Majesty's Navy. The Member informed him, that if he gave him fifty guineas, he would procure the discharge of the marine from the Admiralty. This was, he understood, a practice not only legal, but customary, and authorised by the Admiralty. The petition stated, that the petitioner had placed the fifty guineas in the honourable Member's hands, in one 1*l.* one 2*l.* notes, and a Manchester negociable bill for 50*l.* The petitioner, after some time finding that the marine was not discharged, applied to the Member to ascertain the cause, and was informed, that he had paid the money, in the presence of Mr. Freemantle, to Mr. Tucker, Secretary to the Admiralty, and that the marine would in due course be

released. After some farther time the petitioner applied at the Admiralty, and finding that no money had been there paid, as he had been given to understand, he paid fifty guineas at the proper office, and the marine was discharged. The petition then went on to state, that the petitioner found that the Manchester bill had been paid away to a grocer at Wimbledon, in discharge of a debt contracted by the Member; upon which the petitioner preferred an indictment for obtaining money upon false pretences against him, at the Surrey Sessions, in the Session after the Epiphany, in the year 1809. From that moment to the present, he could not obtain the appearance of the Member to plead to the indictment; and had applied to several of the Magistrates, as also to his Majesty's Chief Justice of the King's Bench, Lord Ellenborough, for a warrant to compel the Member's appearance to the indictment. This application they had severally refused to comply with, lest thereby they should incur a breach of the privileges of that House. This was the point regarding the privileges of that House, which it appeared to him of importance to have decided. The petitioner therefore prayed that the House would order the honourable Member to plead to this indictment, or, if not, that they should take such other measures for his relief in the premises as to them in their wisdom should seem meet. The House would believe, he trusted, that he had not taken up this matter lightly, or without having made every necessary inquiry. He had written to the honourable Member, who in answer informed him, that being absent from town he had directed his solicitor to appear to the indictment, which he had omitted to do, and added, what he hoped was the case, that he had not acted from any immoral or guilty motive. The honourable Member then proceeded to state, that on the question of privilege he had searched the journals, and could find no case wherein that House had claimed privilege against indictments for offences; and was about to explain the result of his inquiries—when

The Speaker informed the honourable Member, that this was a matter of grave charge against an honourable Member absent; and that the invariable course of the House, in such cases, was—to abstain from proceeding in the absence of the object of the charge; to fix a day for taking it into consideration; and to order the honourable Member to attend in his place on that day, in order that he may

have an opportunity of hearing the matter of the charge, and submitting what he may have to urge against it.

After a few words from Mr. Lockhart, the petition was ordered to be taken into consideration to-morrow se'nnight, and the honourable Member (Richard Mansel Phillips, Esq.) whom Mr. Lockhart had omitted to name before, to attend in his place.

VICE-ADMIRALTY COURT, MALTA.

Lord Cochrane rose to make the motion of which he had given notice. His Lordship began by stating that he had before had occasion to trouble the House on this subject, but he then failed in his attempt to gain justice, on the ground that there was not sufficient evidence of the facts stated to warrant the House in entertaining his motion. He had since however personally been at Malta, and had procured such a chain of evidence, that if the House should now be pleased to entertain his motion, he had no doubt but he should be able to lay before them such a connected string of evidence of flagrant abuses in the Vice-Admiralty Court at the Island of Malta, as would astonish all who heard it. He would undertake to prove, that if the Court of Admiralty at home would do their duty, one third of the naval force now employed in the Mediterranean would be sufficient for all purposes for which it was employed there, and that a saving might be made in the naval service alone of at least five millions sterling a year. If the Committee for which he moved last year had been granted, the evidence to prove this might now have been before the House. His Lordship then read a letter from a Captain of a vessel at the Cape of Good Hope, complaining "that the officers of ships of war were so pillaged by those of the Vice-Admiralty Courts, that he wished to know how they could be relieved; whether they could be allowed the liberty to send their prizes home; and how far the jurisdiction of the Vice-Admiralty Court extended; for that the charges of that Court were so exorbitant, it required the whole amount of value of a good prize to satisfy them." In the case of one vessel that was sold for eleven thousand rupees, the charges amounted to more than ten thousand. This was the case at Penang, Malacca, and other places, as well as at the Cape. He would not, however, wish to dwell on this, but put it to the feelings of the House, whether Naval Officers had any stimulus to do even their duty, when the prizes they

take will not pay the fees of the Vice-Admiralty Courts merely for condemning them? It had been stated the other day, that the ships of France were only to be found in our ports. If that statement were believed by Ministers, he would be glad to know why we at this moment keep up 140 sail of the line, and frigates and sloops of war in proportion to that number. His Lordship then produced the Copy of a Proctor's Bill in the Island of Malta, which he said measured six fathoms and a quarter, and contained many curious charges. (*The unrolling this Copy caused a general laugh, as it appeared long enough to reach from one end of the House to the other.*) This Proctor, his Lordship said, acted in the double capacity of Proctor and Marshal; and in the former capacity fees himself for consulting and instructing himself as Counsel, Jury, and Judge, which he himself represents in the character of Marshal; so that all those fees are for himself in the one character, to the same himself in the other. He then read several of the fees, which run thus—for attending the Marshal (*himself*) two crowns, two scudi, and two reals; and so on, in several other capacities in which he attended, consulted and instructed himself, were charged several fees to the same amount. An honourable Member, not then in the House, had last year opposed the motion he had brought forward for a Committee to inquire into this subject; and on seeing these articles of this his own Proctor's bill, his Lordship flattered himself, he said, that the honourable Member would now join in the support of the present motion. His Lordship said he had produced the copy of the bill to shew the length of it. He then shewed the original; and to shew the equity and moderation of the Vice-Admiralty Court, he read one article, where, on the taxation of a bill, the Court, for deducting fifty crowns, charged thirty-five crowns for their trouble in doing it. A vessel was valued at 8608 crowns, and the Marshal received one per cent. for delivering her. He was sorry, he said, to trespass on the time of the House, on a day when another matter of the highest importance was to come before them. He pledged himself, however, that no subject could be introduced more highly deserving their serious attention and consideration. He would not trouble them with any thing concerning himself, because he found he had a remedy elsewhere. His Lordship then stated, that altering or regulating the fees established by the King in Council for the Island of Malta was contrary

to Act of Parliament; that when he went to Malta, five years ago, he found the fees very exorbitant; and in order to prove to the House that the fees demanded now were fees which had been altered since the table of fees was sent out, his Lordship mentioned an instance of thirteen small vessels which had been taken by the gallant Captain Brenton, who lately lost his arm in the service, being brought into the Vice-Admiralty Court for condemnation: the charge made for doing that act (which must be done before the prizes could be sold) was 3767 crowns; but on a severe remonstrance from Captain Brenton, the Judge deducted 3504 crowns, and was glad to accept 263 crowns, instead of 3767, rather than have a noise made about it in England. He could assure the House, the subject was well worthy their attention; and if the Lords of the Admiralty knew all the circumstances, he was confident that, instead of opposing, they would support his motion. He meant to accuse the Judge, the Marshal, and the Registrar of the Court, with abuse of their offices, and concluded by moving,

"That there be laid before the House, a copy of the Commission or Appointment of Dr. Sewell to the office of Judge of the Vice-Admiralty Court at Malta." Also a copy of, &c. of John Jackson, Esq. as Marshal of the said Court; also of ———, as Registrar; also a copy of the correspondence between the Judge of the Vice-Admiralty Court at Malta, and the Judge of the same Court at Gibraltar, with all dates, &c.

The question having been read from the Chair,

Mr. Yorke said, the noble Lord had brought forward what appeared to be a charge of great magnitude against the Vice-Admiralty Court at Malta, and he had certainly *prima facie* made out a case. Some extraordinary fees at so great a distance from home might perhaps have been demanded, and if so it was requisite some inquiry should be made. It appeared, however, to him, that some of the papers were of a private nature, and such, he thought, should not be required; but if in those which are of a public nature the noble Lord thought he could bring forward charges which he could substantiate, he ought to have an opportunity.

Sir J. Nicholl (the King's Advocate) said, there was a power given by Act of Parliament to the King in Council to regulate those fees, and he thought the shorter way to obtain redress would be to complain there. He spoke

highly in praise of Doctor Sewell as a man of honour and spirit, and thought the House should be tender how they proceeded against the character of a Judge who was absent, and incapable of defending himself. He thought the correspondence between the Judges of the Courts of Malta and Gibraltar must be private, of which the House would of course take no notice.

Sir Francis Burdett said he should have made no observation on the subject, after having seconded the motion, but from what had fallen from the right honourable gentleman who had just sat down, viz. that the noble Lord (Cochrane) had not substantiated the charges he formerly brought forward. The reason of this was obvious; the noble Lord had never had an opportunity given him to substantiate his charges. He had pledged himself to prove them at the bar of the House, but his motion for a Committee was negatived.

Mr. Rose said he could not take upon him to assert there were no abuses in the Vice-Admiralty Courts abroad, because there were already three complaints against them waiting for hearing; but the noble Lord had brought forward charges against the Admiralty Court here, and not made them good: for he (Mr. Rose) had investigated the subject with the greatest attention, and found the Doctor had done his duty, and that his charges were more moderate than those of the common Proctors of the Court.

Mr. Lyttleton said, the right honourable gentleman who spoke last had allowed abuses existed; he (Mr. L.) did not know whether it was so or not, but he knew several officers of the navy of the highest character, who complained loudly that there were, and this was in his opinion good ground for granting the present motion.

Lord Cochrane replied shortly; in the course of which he mentioned the case of a Mr. Chapman, who was some time since Private Secretary to Lord Castlereagh, who, though now living in this country, enjoyed a sinecure place of the value of 7,200*l.* a year, as Deputy Marshal of the Vice-Admiralty Court at Malta.

The remaining motions were then carried, after a short conversation.

RE-APPOINTMENT OF THE DUKE OF YORK.

Lord Milton sincerely wished that the undertaking which had fallen to his lot, had fallen upon some Member whose

longer experience and greater authority would give that weight to this subject which it deserved. If the Executive Government was allowed to be under the control of Parliament, and the appointment to offices affecting the welfare of the country a subject to inquire into which that House was competent, then he must declare this to be of that description. The House would doubtless recollect, that at no very distant period, they were engaged in a long and laborious inquiry into the conduct of the illustrious Personage now appointed Commander in Chief—they would recollect how that inquiry terminated, and the motions which it gave rise to, as well those which were negatived as those which remained upon the Journals of that House. It was not his intention now to enter into the merit of the evidence on that occasion —he had only to do with the results. The first address which was moved, was an address to his Majesty, accusing the Duke of York of personal corruption and connivance. Against the adoption of that address he, among others, had voted. But though he was ready to acquit his Royal Highness of personal corruption, still he could not absolve him from several minor charges. He thought he was guilty of a criminal negligence—of a something so bordering on connivance, that it was impossible for him to remain with propriety in his situation. Though the necessity of his immediate resignation did not seem to impress itself so strongly on the majority of that House as it did on his mind, still he must contend that the Resolution which they had come to was such as to lead to that resignation. He was not present at the termination of the inquiry, owing to circumstances which he would not then explain; but still he believed himself to be correct in stating, that on the last day a motion had been proposed by an honourable gentleman, the Member for Bristol, which, if carried, must have led to the resignation of the Duke by the vote of that House. An amendment was, however, moved by a noble friend of his (Lord Althorpe), namely "that as his Royal Highness had then resigned his office of Commander in Chief, it would not be necessary for the House *now* to go into the further details on this subject." This amendment, with the exception of the word "*now*," was put upon our journals. The House therefore determined not to proceed, merely because his Royal Highness had previously resigned the command of the army. These were the premises on which the House came to their final determination; and on these premises he

should grounnd his present motion. In effect, and in words, the Resolution was a declaration, that unless the Duke of York had resigned, that House must proceed farther. This, he contended, was no forced construction—the meaning evidently was, that his Royal Highness should retire. In order, then, to maintain the dignity of that House, he called on it to protest against the present appointment; he called on them, as they valued the dignity of that House, the reputation of the Government, and the purity of the representation. It was, he knew, the opinion of some, that those who brought forward questions like the present, did so from a hankering after popularity. Whether such a feeling could actuate him, he must leave to those who were best acquainted with him to decide. Certain, however, he was, that when such an appointment, so affecting the honour of the country, had taken place, if he had not brought forward some motion on the subject, he should deserve the most severe reproaches that could be cast upon him. He entreated them to consider well what they were going to do; to consider whether they would now sanction what Parliament—nay, what that very Parliament then sitting, had expressed an opinion against. He hoped they would have a due regard for their own dignity, and not suffer, in silence, such an insult on the House. What! was it to be borne that a retired officer, driven from his situation by his own misconduct, whose resignation was approved by that House—was it to be borne that, after only two years absence, he should again be brought back into that situation from which his own misconduct had been the cause of his retiring? He called on Parliament not to suffer it. If there were men in that House, who, for purposes of their own, or from some notions of theory into which he did not mean to inquire, wished to see that House vilified in the public opinion, and saw it passing contradictory votes on the very same subject, no doubt they would be rejoiced to find that not one was found to come forward and rescue its character. He did not mean to assume to himself any great merit, because he should consider himself unworthy to be a Member of Parliament if he did not do his duty. He knew it would be said that the Duke of York had been sufficiently punished already—that his offences were venal and trivial, and such as two years expiation ought to obliterate. He could not agree that a deprivation of office ought to be considered in the light of a punishment; he was ready to allow that even a

temporary incapacitation to hold office would be a punishment; and then he would be, at the expiration of the time, as ready as any man to allow that the faults which had caused such incapacitation were obliterated. But he would ask, if the Duke of York was unfit for office in March 1809, what had since happened to make his return to it fit? He agreed, that it was very desirable that men in the high station of his Royal Highness should enjoy character, reputation, and honour. If this was not the case in the present instance, it was not his fault, but that of his Royal Highness. It was impossible for him to shut his eyes to the misconduct of that illustrious Person; and he must say, if his Royal Highness now stood in the same light as he had done in 1809, he was incapable of holding his office. What had since happened? He knew that there were some who were ready to absolve him in consequence of certain circumstances. He, however, warned them, not to make use of these; because, though they might make in one point for him, they made in another way tenfold against him. He was aware that many would say that the Duke was the victim of a foul conspiracy, and that the chief evidence on which the charges rested was not worthy of credit. In his opinion, however, the charges were made out without the evidence of that witness; and those who used this argument, while they assisted his Royal Highness with one hand, subdued him with the other. Some appeared to think that the Duke of York ought not to rest upon his own character, but that there was a quantum of character distributed between him and his accuser; and that in proportion as you diminish the one, you went to increase the other. This, however, did not at all accord with his opinions. When he voted, he voted not on authorities, but on evidence. Indeed, the authority in this case was not one on which he should consider himself bound to pin his faith. If, then, the case was as he had stated, and that it was so he submitted to the recollection of the House, he asked the Regent's Ministers how, in the face of the Resolution of that House—in the face of the opinions of many in it, and almost every man out of it—they could venture to restore his Royal Highness to an office the administration of which he had disgraced? Those gentlemen might think, perhaps, that two years deprivation was a sufficient punishment, and that his memory was too tenacious on the subject. He could not help feeling, however, for the character of the

country, and the dignity of that House. He did not mean now to inquire whether men of such exalted stations ought to be put in offices of responsibility: this very appointment would go, in his opinion, to shew that they ought not. He would ask Ministers, if any other officer in the country were in the same situation with the Duke of York, whether he would have been restored in such circumstances? There were many officers in the country under a similar condemnation—some were worse, and some were not so bad; but was there any one of them whom Ministers would venture to replace? It was not because a man was of higher station that he ought in such circumstances to be more respected. That House ought to shew, that it was not to be browbeaten either by the fear of Courts, or the influence of Ministers. The House were now told that the Duke of York ought to be restored, but they never were told that Lord Melville ought to be restored. He did not mean to say that their guilt was the same, but still they were both unworthy of holding office.

General Hope rose to order, and questioned (as we understood) the propriety of the noble Lord's allusion.

Lord Milton wished to know, whether if a person of less exalted rank was not restored from an opinion of his incapacity, one of a more exalted rank ought to be restored under the same circumstances. It became that House to shew that they did not think so. It became them to shew that they were not to be intimidated by the rank of any man. Such a feeling ought to be particularly cherished by a British Parliament—the most salutary effects had been produced by it—it had been in his opinion one of the greatest causes of the security of the country. He must advert to one more topic before he concluded, and that was the painful situation in which he had been placed: it was a task which had indeed strongly militated against his private feelings; but still he considered himself bound to do his duty. It often happened that Members of Parliament had those unpleasant duties to perform against the influence of their prtvate inclinations; but still if they did not perform them, they were not fit for their situation. This was the only consideration which had influenced him in the motion which he was now about to submit to the House; and in submitting it, he must entreat of them not to allow their dignity to be insulted, or submit to see the country degraded. The noble Lord concluded by moving, "That

on a deliberate consideration of the circumstances which had led to the retirement of his royal highness the Duke of York from the command of the Army in 1809, it appears to this House to be highly indecorous and improper in the advisers of his royal highness the Prince Regent to recommend the re-appointment of his royal highness the Duke of York to the office of Commander in Chief."

[At the desire of Lord Milton, the several Resolutions which had been entered on the Journals, immediately preceding and at the termination of the inquiry into his Royal Highness's conduct, were then read.]

The Chancellor of the Exchequer would endeavour to bring his answer to what the noble Lord had advanced into as narrow a compass as possible. In the first instance he must declare, that, in the opposition which he was about to give to this motion, he did not mean to screen either himself or his colleagues, or shrink in the slightest degree from the responsibility which naturally attached itself to their situations. They were, he knew, both legally and constitutionally responsible; but he here wished to go farther, and declare, that in this instance they were responsible in fact also. He was the more anxious to do this, because he observed that an attempt had been made (of course he did not mean to insinuate that it was made by the noble Lord) to represent Ministers as ready to shrink from any responsibility in this case, and declare themselves rather agents than advisers. In the commencement of his speech, the noble Lord seemed to think that a doubt had arisen as to the propriety of submitting any appointment to the control of Parliament. For his own part, he never meant to deny, any Minister who advised an appointment contrary to the opinion of Parliament, or the expressed sense of the country, was fully within the inquiry of Parliament, and responsible for his act. He would now proceed to shew the circumstances which had immediately preceded the appointment of his Royal Highness to the command of the Army; and when the House was in possession of them, they would be better enabled to judge of its propriety. The House must be aware, that the gallant officer who held the command of the army since the resignation of the Duke of York, was an officer not only of long and eminent service, but of advanced age. He had been for half a century in some active situation in the service of his country. On his being attacked with illness in the beginning of the year, he had made a

representation to his royal highness the Prince Regent, that neither with safety to himself, nor justice to the duties of his office, could he continue to hold it. To this representation, made most earnestly, and repeated more than once, it was impossible not to attend. The place, then, thus becoming vacant, the next question which arose was as to the propriety of the person to be chosen to fill it. From the situation of our army, and our extended scale of operations on the Peninsula, it was quite impossible that such an office could be suffered to remain long vacant. Who, then, ought to be chosen as the successor to Sir David Dundas, was the question? From every view which he could take of affairs, he was inclined on every account to fix his choice on his royal highness the Duke of York. Whatever might occur to others, still when he considered his long and tried services—the advantage of which he had been to the Army—and when he also considered who were likely to become his competitors, he must say, without any disparagement to those gentlemen who under other circumstances would be very eligible, that he preferred the appointment of his royal highness the Duke of York. There was no difference of opinion on this subject; and he certainly could not hesitate, when he considered that his Royal Highness was particularly qualified, which appeared from his arrangements, all of which were calculated to be of benefit to the service, of advantage to the officer, and of comfort to the soldier;—arrangements, too, several of which seemed to be made to prevent many of those practices which it was the object of the inquiry to detect. Under these circumstances, he thought they would disgrace themselves, if, from an apprehension of any motion which either the noble Lord or any one else could bring before Parliament, they withheld from the public the advantages to be derived from the services of his Royal Highness. There was not either the least reason to suppose that his restoration would be received with any indisposition on the part of the Army. He did not mean to infer that their mere choice ought to direct any appointment; though certainly, if ever there was a time when the feeling of the Army ought to be made the ground of action, it was the present: but when their feeling was founded on the eminent services of the individual who had excited it, then that feeling and the ground of the appointment were the same. Unless, then, there was something in the manner in which the House had, on a former

occasion, expressed itself, there could be no doubt of the propriety of this appointment. According to the statement of the noble Lord, one would suppose that he thought the Resolution of the House militated against the Duke of York's return to office not only now, but for ever. If not for ever, and yet that the appointment was to be conceived improper now, at what period could any one say the prohibition was to expire? What, however, was the state of the case at the conclusion of the inquiry? The first Resolution went to acquit his Royal Highness of any personal corruption or connivance. It was a full, fair, free, and complete acquittal. After his acquittal, then, certain circumstances operated on the mind of his Royal Highness, which induced him to tender his resignation. The noble Lord had said, however, that it was the opinion of the House that he should retire. This was never expressed, and therefore it was impossible for the noble Lord to have any means of knowing it. That there were some in the House who were of this opinion, he was very willing to admit; but still there were others who thought so very differently, that they even were of opinion the House ought to come to some future Resolution, expressing their opinion that the inquiry should not be followed by any such resignation. When his right honourable friend (Mr. Bathurst) proposed his Resolution, he expressly declared that he had taken care so to frame it as to preclude the suspicion that he recommended any such result. Thus, then, as far as the mover's own declaration, and the implied opinion of those who supported him, went, they by no means acted on such a sentiment. True it certainly was that a feeling had been excited in the country, to which his Royal Highness might have thought it better to submit than expose his father's government to embarrassment. He should endeavour so far to avoid the example of the noble Lord, as to pursue the path which he had declared he would follow in the commencement, and not enter into details when he promised merely to confine himself to results. He should not pursue what had been detailed at the time, or what had been detailed since; but he could not avoid asking the House, whether if previous to the termination of the inquiry they had been aware of the nature of the conspiracy which was on foot—aware by what means the evidence had been obtained, and what arts had been employed to represent that as an independent and patriotic inquiry—he would not ask, after all that,

whether their decision would have been different; but he would ask whether they thought all that feeling would have been excited in the country? What, then, he would ask the House, was to be inferred from the Resolution? What but a complete acquittal? The next step was a declaration that it was not necessary to go farther. In the amendment the word "now" was particularly emphatic. The amendment said it was not "now" necessary to go farther. It did not mean that because the Duke of York had resigned, they would not then go farther; but that on his re-appointment, or at any future time, it would be at their discretion to enter into farther investigation. The case left off with a full acquittal on the part of the Duke of York of all guilt. As to the nature, manner, or propriety of any future proceedings after the vote of acquittal, of course there were different opinions. He, taking a large share in those debates, had certainly told the House, that in his opinion they ought to proceed farther. Whether his proposition, or the proposition of his right honourable friend opposite, as one of a stronger description, would have been adopted, was still to be discussed; but all discussion on the subject had been put a stop to by the resignation of his Royal Highness. But the noble Lord had now stated that there ought to be a recorded censure upon Ministers, for advising an appointment in the face of a Resolution of the House. If this was the case—if the House really meant by their Resolution to imply an impossibility of the Duke of York's return to office, he must say a Resolution more unfairly stated by its mover, or adopted by the House, he never saw; the mover directly declaring he did not mean to imply any such thing, and the House fully acquiescing in that explanation so given. He never had the slightest idea, in his own mind, that the Resolution operated, or was ever intended to operate, as the least bar or obstacle to the re-appointment of his Royal Highness. The House, however, might take a view of all the previous circumstances, and then he left it to them to judge whether they thought the prerogative had been so ill exercised in this instance as to call for their interference. The advice which had been given, had been given under a full consideration of all the circumstances; and on these circumstances he relied for his justification. The advice had been called for by the long, tried and eminent services of the illustrious Personage in question, who had fully proved himself most capable of filling the situation. In

recommending his appointment, he really thought that he was recommending the appointment of the fittest man in the country for the office; and he now left its consideration to the House, with the observation, that they could not censure it without charging and contradicting the construction of their own Resolution.

Lord Althorpe could not perfectly understand the spirit in which the right honourable gentleman (the Chancellor of the Exchequer) combated the motion. The evidence on which the House had carried on the inquiry, and on the strength of which the Royal Duke had resigned, was precisely the same at this moment that it was before. It was an extraordinary thing to hear the Minister say of that Royal Duke, that of all the distinguished military characters of the country the Duke of York was the fittest, actually the fittest, for the situation of Commander in Chief. The full Resolutions of censure on the Royal Duke were not carried, nor even pressed on the House; but from what circumstance? In his (lord Althorpe's) opinion, it was merely from the idea that the Duke of York, when he had once retired from his office, was never to come back. (*Hear!*) This was the case, according to his full conception at the time. He would fairly admit, that if circumstances, since brought to light, had been as perfectly known at the time, the popularity of the Royal Duke's accusers would have been somewhat lowered. But still no cause was shewn for the present appointment; and until it was, he must consider the appointment as a neglect of the public sentiment openly declared.

Mr. Elliott was sorry to trouble the House, but he must be permitted to say a few words, on account of the vote which he was to give. He wished it to be understood, that he had never charged the Duke of York with corruption, or even with participation in it; but he thought there was a neglect which ought not to have existed, and upon that he had given his former vote. It was not to be doubted that the prevalent feeling of the House was an absolute necessity for inflicting some mark of their disapprobation on the Duke of York. (*Hear!*) The address of the Member for Corfe Castle (Mr. Bankes) went to that effect; the address of the Member for Bristol went to the same effect. (*No, from the Ministerial benches.*) Well, the honourable gentleman might have since altered his opinion; but most certainly it had been his language on its first production.

Another address had been brought forward after the Duke of York's resignation, in which he (Mr. Eliott) objected to the word *now*, as not only shutting the Duke of York out from office, but even excluding him from the throne. His resignation appeared sufficient for justice, and he could not have conceived that any Minister would have been hardy enough, in the course of two sessions, in the same Parliament, to propose the re-instatement of the Duke in the same office. (*Hear!*) Certainly that seemed to be the impression of the whole House. The present measure appeared to have for its chief object, to bring an unnecessary and embarrassing obstacle in the way of the House. But if the opinion of the House were actually changed, why not say so? Why not come to an express and decided Resolution on the innocence of the Duke of York? This would be more respectful to the House, more honourable to the Duke, and more satisfactory to the people. He (Mr. Eliott) had never charged the Duke with any breach of military duty, but with negligence in other departments of his office. It was even a question whether any person of the rank of the Royal Duke ought to be Commander in Chief. The duties of the office were chiefly civil, and therefore there must be a responsibility; but how was that responsibility to be enforced against the influence of a Prince of the Royal blood?

Mr. B. Bathurst had never admitted any ground for the charge of corruption in the conduct of his Royal Highness. He had moved a Resolution, but certainly not with the intent of criminating the Duke. He had only thought that the House, by coming to the Resolution which he proposed in a former debate, would deliver its sentiments in a way which might give a salutary lesson to the parties. It might operate as a check on the future conduct of the Duke, and even thus be the means of fixing him more firmly in his situation. He would say no more. He never had an idea of finally excluding the Duke from office, let the vote on his Resolution be what it might. By the refusal of the House to sanction the word *now*, the question of the Duke's return to office was left entirely open, and expressly open for the discretion of Parliament. It was advantageous for the Army that a man of the Duke's rank should be at its head, if it were only for the single purpose of putting an end to intrigue and Parliamentary influence.

The Chancellor of the Exchequer rose to explain. He had not by any means meant to say that the Duke of York

was more fitted than any other man in the empire for his office; but that considering all the circumstances which were connected with that Royal Duke, he was the most fit to be recommended for the situation at the present time.

Sir Oswald Mosely professed that his sentiments on the Duke of York's conduct had been changed by the conduct of his accusers. (*Hear!*) He had voted against the Duke from conscience; but now, from the facts which had transpired, the strictness of the charge against the Duke appeared almost entirely done away. He had been sufficiently punished by removal from office for two years. And what was his crime? Just no more than that he had ingratiated himself with a favourite lady, whose fascinating charms had overpowered him. (*A laugh.*) Let gentlemen look to themselves, and think of themselves. Who was there that had not his little transgressions? and let him that had not, throw the first stone.

Mr. Gooch thought it would have been an act of political cowardice in Ministers to have hesitated in recommending the Duke of York for his present appointment. They could not have fixed on any man more fit for it, from experience and from the affection of the Army. Why was the Duke's moral conduct to be brought forward? We should remember, "Judge not, that ye may not be judged;" and they were very singular men who were not guilty of similar errors. But when it was remembered what a base and scandalous conspiracy was formed against him, it was the duty of the House to make the Duke of York feel that they felt for the calumny which had dislodged him from a situation which he had held so much for the advantage of the country.

General Tarleton was quite sure that the Army would exult and rejoice in the appointment of the Duke of York.

Admiral Harvey would fully agree with those gentlemen who said that the Duke of York had been severely punished by the suspension of his office. No man could know more fully or feelingly than himself (Admiral Harvey) the pain of such a punishment. The penalty was most severe; and the man who had suffered it without its being due, deserved much consideration from that House. (*Hear!*) He had read the minutes, and his opinion had been against the Duke of York; but when the details of the profligate con-

spiracy which had supplanted the Duke came fully before the public, his opinion was entirely changed. There was much due to the care and services of the Duke while in office. From some peculiar circumstances in early life, he (Admiral Harvey) had an opportunity of being tolerably acquainted with the government of the Army in its interior concerns, and nothing could be more full of awkwardness and abuses than the system which prevailed before the Duke's coming into office. The history of the Army was then a list of abuses; it was now a train of glorious victory. (*Hear!*)

Mr. Whitbread.—As he had taken an early and prominent part in the discussions on the present subject matter, he had wished to have risen after the Chancellor of the Exchequer. As the feelings of the House and the country were not equivocal on the original statement of the question, and as he believed the feelings of the country were not equivocal now, whatever that of the House might be, he was anxious to give a full, free, and early opinion. Among the things which excited his surprise in the debate, one was, the different view in which the minutes seemed now to be taken. Was the House, to be told that the minutes had undergone no change—that they were the same—precisely and distinctly the same, as when the House seemed to have but one feeling, whatever they might now determine by their vote on the guilt of the Duke of York? To the astonishment of the House, as he was convinced it must be, the minutes would be proved to be the same. No change had taken place there; and the honourable members who had thought so lightly of changing their opinions could find no encouragement for it in any alteration of the evidence. (*Hear!*) He had unfortunately felt the impossibility of changing his opinion, while there appeared no apology for a change; and he must actually persist in believing the Duke of York unfit for office, and the ministers who re-appointed him as acting in a manner irregular, indecorous, and unconstitutional, so long as the evidence told him so. (*Hear!*) There was a practice of the right honourable gentleman (the Chancellor of the Exchequer) for which he probably claimed great credit, if it was to be thought so from his fondness for it—it was a kind of bold, strutting, noisy claim of responsibility—an effort at what he called manfully meeting the charge, or claiming his share in the odium and danger of the acts of the Ministry.

His habit was, to throw himself forward when the public indignation was roused, and talk of his readiness to meet responsibility, and all possible inquiry into his conduct. His colleagues, too, were ardent and zealous, and equally ready in offering to meet the extremity of the public anger: but when this spirit, magnanimous as it was, came to be tried—when an offence was committed against the Constitution—when the cry for justice was stern, and strong, and just, then those magnanimous Ministers shrunk back, and hid themselves behind their majority, and baffled the attempt at inquiry. And was this really the whole boast of the Ministers' responsibility? But let the House, without considering any farther how much those high-minded Ministers might be able or be inclined to stand its verdict, come to their reasons for the appointment of the Duke of York. What was the first reason? The Army was extensive, the business was heavy, and Sir David Dundas was old. He was too old for the overpowering business of the Commander in Chief's Office. How old was he *now*? or how much older was he *now*, than when the office was given to him? (*Hear! hear!*) Yes, this was a question which the magnanimity of Ministers would probably leave to those who would investigate it. It had been said, and most disgraceful was the imputation, that Sir David Dundas was put into office, solely that he might keep it for the Duke of York. (*Hear!*) What else could have put in Sir David Dundas? He meant no slight whatever to that officer as a military man; he was already distinguished in the service: but was he so much in the vigour of youth two years ago, as to make him the fittest man for the station which now pressed upon his extreme and enfeebled old age? (*Hear!*) Who said this? This was the saying, the very language of Ministers; and in whatever shape they might mould their defence, it must be an insult on the capacity of Sir David Dundas. There was another point. The astuteness, the practised, active, professional subtlety of the right hon. gentleman (the Chancellor of the Exchequer) had found out, that the word *now*, in a previous Resolution, meant nothing but the exclusion of the Duke of York from the throne; and after establishing that point, his next discovery was, that the rejection of the word *now* implied a perfect liberty in this House to reinstate the Duke, or at least to agitate the question of his reinstatement. All this was to be expected from that right

honourable gentleman: but it was not the meaning of the address of the member for Corfe Castle; nor, if there was any thing like a faithful record in words, was it the language of that other hon. member (Mr. B. Bathurst) who had so suddenly changed his opinion. If the Resolution had not been adopted, what had prevented it? What, but the retiring of the Duke of York? Was not the language of the debate plain—was not the general feeling clear? But it was thought that the Duke of York, by yielding to the sense of the House and of the country, had made it indelicate to press him farther. Delicacy was in such things a foolish word? What had the Duke of York actually done? He saw the cloud gathering round him, and he took his resolution to escape. He retired from office, and he thus evaded the shock which would have forced him from it. A member had said, in the course of the present night, that a man of the Duke's rank ought not to be entrusted with the command of the army of the empire. True; nothing could be more true. The very transaction of the moment was an argument worth all the others. It was his (Mr. Whitbread's) opinion at all times; but if it ever wanted confirmation, it was confirmed now. He had been charged with alluding to the private life of the Duke; but he had fully disclaimed all idea of the kind, until the Duke's private life was mingled with public transactions, and then it became public and reprehensible. Was there a single man in the country, except the Royal Duke, who with these imputations still hanging on him, would be suffered to return to office? No, not one. Though he might not have been even charged with personal guilt, yet, his permission to make money by the sale of commissions, his negligence in the conduct of his civil office, and the remaining stigmas which attached to his public life, would have been an insurmountable obstacle to the return of any man but the Duke of York. That man ought not to be entrusted with power, whose failure and neglect brought down no responsibility. His royal highness the Duke of York was now returning triumphantly to a great office, to which no other man, under similar charges, would have been permitted to return; and, therefore, the argument was irresistible, that his Royal Highness ought not to be reinstated in a situation which he ought never to have filled. A great inconvenience had resulted from his illustrious rank as being of the blood-royal, the son of the

King, and the brother of the Prince of Wales. Where is the subject, who is not of the blood-royal, who could have hoped to be restored to office, if removed from it under circumstances similar to those under which the Duke of York had resigned? If, then, no individual, not of the blood-royal, could hope to be restored if he were removed under such circumstances, it followed that gross injustice had been done to all the other persons who had been forced to walk out of office in consequence of their having been suspected of improper practices; for those men were removed without any hopes of return. The honourable gentleman had dwelt much to-night on the general conduct of the Duke in the command of the Army, the affection they bore towards him, the admirable organization and various checks which had been introduced by him. These were, however, no new topics; and he therefore could not see why they should influence the House now to form a different opinion on the evidence than what they had come to at the time of the investigation. If the good of the Army was now their paramount consideration, and it was for that object alone that they wished the Duke of York to be restored, he wondered how they could ever have consented that this command should be taken away from a person whom they stated to be so eminently qualified for it; and he wondered still more that they should have consented to transfer it from the direction of so much vigour and ability to the extreme of feebleness which was to be expected from the advanced age of Sir David Dundas. He could not, however, suppose, even if there was no royal Prince fit to take the situation, that England could ever want men fit to be trusted with the command of the Army. When serious charges had been brought against the Duke, and investigated, then his Royal Highness was advised to withdraw from the storm: but now, Ministers are found fearless enough to propose his re-instatement. Now, he would put it to the feelings of any member in that House, whether, as a simple subject he had been removed from an office under such circumstances, the road to re-appointment would ever be opened to him? He was convinced there was no one who would answer in the affirmative. He would put it to the right hon. gentleman, the Chancellor of the Exchequer himself, whether, even after a verdict of acquittal upon charges brought against a Minister, he ever ventured to propose bringing that nobleman again into office? A noble

lord (Lord Chatham) had last year gone out of office, and there had been no talk of his re-appointment. He felt that a painful duty was now cast upon him; but such as it was, he was bound conscientiously to discharge it. The nation had lately been told of victories gained, and glorious achievements performed, by our armies in the Peninsula. He joined as warmly as any other man in the universal feeling of gratitude to those Generals whose valour and ability had gained those victories, which had not been surpassed by any in our history. He must, however, say, that he thought those victories very dearly bought, if Lord Wellington thereby conquered the House of Commons, and obtained a triumph over the Constitution. He remembered that at the time when the *Habeas Corpus* Act was suspended in this country, and Lord Howe had gained a victory over the enemy, Mr. Fox said, in the House of Commons, that he hoped the consequence of the noble Lord's victory would be to secure our internal peace, and reconquer for us the Constitution of the country. If the restoration of the Duke of York was to be the consequence of Lord Wellington's victories, he thought that the country would buy those victories dear. He was at a loss to conceive what could have changed any gentleman's opinion upon this subject. He had looked with great attention into the Resolutions which the House had adopted, and those which were proposed for its adoption, as well as into the minutes of the evidence, and he could see no reason to alter the opinion he had then formed. As to the Resolution "that the existence of such corrupt practices had been fully proved,"—that he had voted, and still believed. That "those corrupt practices could not have been carried on for such a length of time, and to such an extent, without the knowledge of the Duke of York," was another Resolution which he had voted, and which he still believed. It appeared to him, that the fair, manly way of proceeding would be for those who thought Parliament had then come to a wrong opinion, to bring the matter again before them for their re-consideration, before they recommended the reinstatement of the Duke. For example, those who thought the House had been misled, and that the evidence was improper, might have first pointed out to the House wherein they had been misled, and called upon them to express a different opinion. If they had prevailed upon the House to do so, then it would be less objectionable to recommend

the re-appointment. As to the fitness of a person of the royal blood to fill such an important office, that was rather an abstract question, which he did not now wish to discuss. He must, however, say, that great inconvenience had resulted in the present case from the circumstance of the very illustrious rank of the Royal Duke. He, however, had never supposed that the matters with which the Duke was charged, would justify his exclusion from the throne. On the contrary, he had stated in express terms, that he did not consider that the harshest of the Resolutions which were submitted to the House could have produced that consequence. Some sneers had been thrown out on the manner in which the charges were brought forward; and it was insinuated, that the evidence had received much discredit from circumstances which had since transpired, and that a great slur had been thrown on the character of those who were principally instrumental in bringing forward those charges. He would ask, when, where, and how, had this taken place? All the evidence which was hinted at was completely before the public, and it did not appear to him to justify the imputations which were cast. He was free to confess, that if he had been a juryman on those trials, he thought that he should have given the same verdict on the evidence produced at those trials; but was that to wash away, and carry to the grave all that immense mass of evidence, and the many written documents which were produced at the bar of the House? Was there any proof then given, that any person on whose testimony those charges had mainly been supported was unworthy of credit in a court of justice? He could see no reason to change the opinion which he had then formed, and therefore, he should not now change his vote. He conceived that a vote in favour of the conduct of Ministers upon the present occasion would be hurtful to the Constitution, and disgraceful to the House of Commons. It was generally understood at the time, that a vote of censure was only suspended by the resignation of his Royal Highness. Under those circumstances, it was hardly to be conceived that Ministers would have proposed his re-appointment.

Mr. C. Adams, Mr. Bathurst, and Admiral Harvey, made some explanations.

Mr. Secretary Ryder thought it necessary for him to take his share of responsibility upon this occasion, and shortly state his reasons for advising the appointment.

Much labour, however, had been spared him by what had fallen from his right hon. friend, (Mr. Bathurst). That gentleman had truly stated, that no resolution which passed the House, or which had any chance of being agreed to, implied that the Duke of York was never at any future time to return to an official situation. It had, indeed, been expressly stated by the right hon. gentleman, at that time, that if his Royal Highness could be advised at that time to retire from office, it would afford a facility for his return to it at a future time. An hon. gentleman (Mr. Whitbread) had stated, that no circumstances had occurred since that investigation, which ought to change the judgment of the House. He believed, however, that not only the opinions in that House, but the impression on the public mind had been very materially changed upon the subject since that time. If the evidence had been delivered upon oath at that bar, he would have a right to say that the cause was supported by subornation of perjury. Such was the language of a noble lord (Lord Ellenborough) who tried the actions; and who added, that if the evidence had been on oath, an indictment for subornation of perjury, would lie against the person who so suborned the witnesses. His opinion was not altered, for he never had believed a single word of what came from the infamous witnesses, unless when confirmed by other evidence. He was sure the public must have changed their sentiments on that subject; and that the re-appointment of the Duke of York would be hailed by the country at large. Of this he was absolutely certain, that there was one portion of the public, he meant the Army, who would be highly pleased at his return to power; and yet it was the Army that would have been degraded and injured by the corrupt practices imputed, if such practices had really existed. He then read the evidence of Lord Wellington in support of the merits of the Duke of York as Commander in Chief. When it was necessary, then, to select a Commander in Chief, the most able to keep the army in the highest state of efficiency, he knew no person who could be a candidate for that high office whose claims would bear any comparison to those of his Royal Highness. He was ready to allow, that upon general principles, it would be more advisable that members of the royal family should not hold official situations; and he had therefore voted against the Duke of York's appointment to be one of her Majesty's Council, as it would

subject him to be examined at the bar of that House, and the duties might be performed fully as well by another; but as to his appointment to the head of the Army, that was for the public good, and the country might bless the day on which he first took the command.

Mr. Lambe said, that the question, whether sufficient responsibility did or did not attach to persons of the elevated rank of his Royal Highness, was a question foreign to the present business, and which should now be dismissed from the consideration of the House. His honourable friend (Mr. Whitbread) had argued with still more than his usual force on the injustice that humble individuals would sustain from having the return to power shut against them when it was open to a Royal Duke under circumstances precisely similar. There certainly could not, on the other hand, be any reason why injustice should be done to the Duke of York, because justice was not always done to others. He felt perfectly convinced, that if any other person was presented to the consideration of the House under the very same circumstances that the Duke of York stood, he should vote for his re-appointment. He believed that the noble lord (Lord Milton) had, as he expressed it, felt this a very painful task. A painful task had devolved upon them all; and he could not, without great pain, reflect upon the violent proceedings against the Duke of York, and upon the votes which he had himself been persuaded to give. He had at that time voted on a conviction which was then strong in his mind, that a more complete investigation of the charges was necessary. If he had, however, then been called upon to say, "guilty or not guilty,"—notwithstanding the many suspicious and unexplained circumstances in these transactions—notwithstanding it appeared that pecuniary embarrassments had urged him to the very brink of criminality, yet he should have said "not guilty." He certainly then wished that the Duke should be removed from his office; and he did not know, but that the fear that Ministers intended to retain him, might have induced him to stronger votes than he otherwise would have concurred in. He conceived that the Duke had been very hardly dealt with; he had been run down by a public cry, and charged with peculation, when, in fact, the crime which he had really committed, was one not of public cognizance, and such a crime as no other man had been removed from a high situation for committing. As

to what was the opinion of the House formerly, he thought there could be no better mode of ascertaining it, than hearing what was now the opinion of the same House of Commons upon that question. The opinions of gentlemen at that time might be ascertained by their feelings now. He could positively say, that for himself he never intended by any vote he gave to preclude himself from giving an opinion at a future time of the propriety of the return of his Royal Highness to office.

Mr. Wynne had not seen any thing in the circumstances which had been so often alluded to, to make him at all change that opinion which he formerly expressed by his vote. A right honourable gentleman had stated, that the conspiracy, which had since been proved had thrown a shade over the whole of the case, and deprived the witnesses of any title to credit. He could not at all view the subject in that light. While the investigation was going on, he always said, that the evidence of such a woman as Mrs. Clarke ought to be left wholly out of their consideration, unless when it was confirmed by other evidence. There were many strong points of the case, however, which were proved without the testimony of Mrs. Clarke. The case of Kennet did not at all stand on the evidence of Mrs. Clarke. It stood on the testimony of a person of as high character as any man, and upon the Duke's own letters. The cases of General Clavering and Mr. Tonyn did not stand upon the evidence of Mrs. Clarke, but upon the Duke's own letters. But it had been said, that the Duke had been now two years out of office, and that this was a sufficient punishment. He must deny, however, that the Duke had received any punishment at all. If he had received any censure from the House, then he might have been said to have been forced from his situation; but no censure whatsoever had been voted. The Duke was simply advised by his friends to resign his office, for the purpose of avoiding a vote of censure, and as it now appeared for the purpose of returning again into office at a future time. He thought that the House was called on now to say whether the Duke of York had or had not been guilty of corruption, and it did appear to him that in Kennet's case, the corruption was clearly proved, and that he was deserving the censure of the House. This was a circumstance of corruption, but not strictly of corruption in his office; and he thought many facts had been proved, independent of his conduct in his

office; which made him a very unfit person to be continued in the command of the Army. Although he might not have trafficked promotion in the Army for money, yet if it appeared that he had trafficked the interest that his situation gave him for money, he was unfit to hold a high place in the State. He would venture to say, that if any one of his Majesty's Ministers had been detected in a transaction like that of Kennet's case, in attempting for a sum of money to procure a place for any individual, that Minister would be prosecuted for it with the utmost severity. The honourable gentleman (Mr. Lambe) had said, that pecuniary distresses had urged him to the very brink of criminal conduct. It was his opinion that they had urged him beyond the brink, and involved him in practices actually criminal. For such practices as those, in a man in high trust, he thought it was no excuse at all to set up the weakness and frailty of human nature. Men who had so large a portion of this weakness and frailty were not fit to hold high offices in the State. Besides the evil they might do themselves, their example would be most dangerous. He was not quite sure that the opinions and wishes of the Army about the person who was to be their Commander in Chief were entitled to such stress as had been laid upon that argument by the right honourable Secretary. Perhaps, it was not perfectly constitutional to state what was the desire of the Army upon such occasions, as it was the duty of Ministers to recommend the person who appeared to them to be the most fit to command the Army. As to the evidence of Lord Wellington with respect to the great improvements which the Duke of York had made in the Army, he did not see how that could now change the opinions of those who had heard the evidence before they came to their former vote. If Ministers really thought it of such prodigious importance to the Army that the Duke of York should be Commander in Chief, why did they advise his Majesty to accept of his resignation? He could not conceive how any man that really believed he had known of corrupt practices, and permitted them, could still think him a fit person to be put at the head of the Army. For his own part, the more he considered the evidence which had been given on that investigation, the more satisfaction he felt at the vote he had then given; and as his opinion was unchanged, he should now support the motion of the noble Lord.

Mr. Barham rejoiced that he had this opportunity of

retracting and confessing those errors under which he, with many others, laboured some time ago, from the delusion which then prevailed. He regarded the Duke of York as a most injured man, (*Hear, hear!*) and therefore rejoiced at the opportunity now afforded of making some amends for the injustice that had been done him. The Duke had been censured with a severity beyond example. He (Mr. B.) was not one of those who went farthest in their votes against the Duke of York, and he was one who fortunately escaped those deluded thanks that were voted to so many gentlemen from one end of the country to the other. But he would now do all in his power to repair the injustice that had been already done, thinking that the dignity of a public body, as well as that of an individual, consisted in acknowledging an error, not in persisting in it. The noble Lord had talked of the appointment being an attack on the dignity of the House; but to confess an error, was not to descend from one's dignity, but rather to maintain it. The example of what took place two years ago, ought to operate as a warning to the House to be on their guard against such sudden gusts of public opinion as then prevailed. When the public mind was fixed and permanent on any subject, then that House should follow its guidance, but should not too rapidly follow on every sudden impulse. In fact, there appeared to exist at the time, a sort of epidemic disorder, a species of Puritan *mania*; as if that House were to be the censors of private life, as well as of official conduct; a part for which they were entirely unfit. For his part, he wished that the noble Lord's motion should not merely meet with a negative; but that some resolution should be adopted expressive of a desire to do justice to the character of a man who, he verily believed, had been grossly injured.

Mr. Ponsonby would detain the House very shortly while he assigned his reasons for the vote he should give that night. He had no difficulty in reconciling the vote which he should now give with that which he had given on a former occasion. He had voted against the resolution which declared that the Duke had participated in or connived at corruption; he had then attributed to his Royal Highness only a certain degree of negligence in his high office. He remained of that opinion still; he still thought him chargeable with negligence then, and yet should find no difficulty in reconciling that opinion with

his vote this night. He was far from thinking that nothing which had happened since the investigation had affected the nature of the evidence that was then given: for when the principal witness was asked at this bar, she answered, she had received no consideration for her evidence; and afterwards she swore in another Court, that she had received a consideration. (*Hear, hear!*) He might be allowed to know something of the nature of evidence, and it was really new doctrine to him to hear it stated, that such a circumstance as that made no alteration in the evidence. It was quite impossible to say, that where the principal witness had been so shaken in credibility, it made no alteration whatever in the complexion of the case. It had been said, to his no small surprise, that the Duke of York had suffered no punishment by his resignation. He was one of those who thought at the time, that the Duke ought to be removed from his office, in consequence of the evidence which appeared. His resignation was in fact a removal, and made in contemplation of what was nearly the universal sense of the House and the country. But what did the noble Lord's Resolution say? Why, it went to the perpetual exclusion of the Duke of York; for no Administration would venture to replace him in office, in the face of such a Resolution as that. Would the House be justified in adopting a measure of such great severity? His Royal Highness was guilty of great indiscretion: but the whole accusation rested on the testimony of one witness, who, it appeared, had received a valuable consideration for her evidence, and yet denied it at their bar. This very denial implied a consciousness that the consideration was received for improper purposes. (*Hear, hear!*) He would not, therefore, pass a sentence of perpetual exclusion, nor visit the offence with such severity. What! could it really be said that the Duke of York was not punished?—that he had not suffered the severest mortification? Was it no punishment that the Son of the King should be removed from the head of that Army which was the glory of the country—that he should be forced to fly into retirement from the severity of public censure? Where was the man who possessed any of the high spirit of an Englishman, who would not say, that all this was one of the severest punishments that could possibly be inflicted? The Duke of York, then, had been punished already; and, in his mind, he had been punished enough. Thinking so, he felt himself compelled to abstain from voting with his noble friend, though

he must applaud the noble disposition which his conduct manifested, and that high sense of duty which in the noble Lord was superior to all other considerations.

Sir Francis Burdett said, he should feel great satisfaction, if any injury had been done by his means to any person, in endeavouring to do all in his power to remedy it. But in the present case, as he still continued to see it in the same light in which he had formerly done, and as he had formerly given his vote by no means on the evidence of that witness who had been so much spoken of this night, and who, he would say, was never looked upon in the House as a witness of credibility, he could see no ground for opposing the present motion. Had it not been for the documents which were then produced, which it was impossible to mistake, the honourable gentleman who instituted the charge, instead of being able to raise what is now called a delusion, would have been compelled to retire from the House in disgrace. It was to him, therefore, perfectly astonishing, that the evidence remaining precisely at present what it was then, those gentlemen who formerly voted against the Duke, should now think that the circumstances of the case are in any wise altered. Those who maintain any such alteration have never thought proper to point out any, except what regarded that discreditable witness whose testimony was never received in the House. He remembered an honourable gentleman had said, that her evidence was not such as that he would have whipped a dog on it; and this statement was received by the House with acclamation. But could they forget the letters which were produced? He would mention only General Clavering and Captain Tonyn. A great deal had been said of conspiracy; but if any thing like a conspiracy ever took place, it was the conduct of the right honourable gentleman over the way (the Chancellor of the Exchequer) in attempting to suppress the note of Tonyn. (*Hear!*). He thought, after what stood on their Journals, the House could not avoid expressing their disapprobation at the re-appointment of the Duke. He was astonished at the manner in which the Duke of York had been attempted to be defended. In his opinion these defences were the strongest accusations which were brought against him. An honourable Member had stated, that he was in pecuniary distresses. It would appear from him, that he was somewhat in the situation of the needy man in the tragedy of Douglas,

> Who has seen better days;
> One whom distress has spited with the world.
> ———Whom tempting fiends would pitch upon
> To do such deeds as make the prosperous man
> Hold up his hands, and wonder;
> And such a man was I.

And such a man was the Duke of York. An honourable Member of the Administration said the Duke had winked at corruption. Nothing more than this was ever stated; and if this was admitted by his friends, it appeared to him incomprehensible that any man could bring himself to think that any thing had since taken place to produce any alteration. Nothing was changed except according to the old saying, *tempora mutantur*. An honourable gentleman had stated them to have been led away by a popular delusion, and expressed himself glad of an opportunity to make his contrition. For his part he could feel no contrition for the part which he had formerly taken—he could see nothing to repent of. He thought his Royal Highness had been dealt with as leniently as possible. It was no doubt improper to be led away by popular opinion from the sound part which every man was bound to take—and there were cases when it might be proper to resist the *civium ardor prava jubentium*; but it ought to be shewn that the objects here wished for by the public were *prava*. Public opinion, in his opinion, was by no means to be despised; and those who had the management of the public affairs would find the public opinion no small assistance to them. However, if he had allowed himself to have been led away by this public opinion from expressing the dictates of his own mind, he should indeed think himself bound to express his contrition at present. The honourable gentleman who originated the accusation, had, in his opinion, performed his duty. It had been said the Duke of York's case was a hard case. It was not so hard. Harder than this had happened before. The Duke of Cumberland, who had put down a rebellion, and acquired military laurels, was obliged to retire with disgrace from the army, for the Convention of Closter-Seven, and though nothing had been ever advanced against his moral character, it had never occurred to any one to replace him. A great deal had been said of the Duke of York's merits at the War-office. He did not wish to speak against his merits; but, even allowing them to be what

had been stated, he did not see they could have the effect of doing away his practices. He should therefore most cordially support the motion of the noble Lord. Much had been said about the propriety of allowing the office of Commander in Chief to be filled by a person in so high a station; and he could not but think that in our Army, where there were so few persons of distinction, it was a hardship that they were excluded from that rank. They were to recollect, that all the evidence was not connected with Mrs. Clarke. He could not help thinking, that what had been stated for the sake of wounding the feelings of an honourable Member, was not so conclusive as had been imagined. Mrs. Clarke swore a debt against herself into the pockets of these swindlers with whom she had been before connected, and which they could not have got off by other means. He did not mean to say, however, that the Jury did wrong. There were other favourites besides Mrs. Clarke—a Mrs. Sutherland also, who had been the means of injuring a meritorious Officer in the career of his service.

Mr. Manners Sutton observed, that the principal grounds on which the motion was supported were, that the Duke of York's re-appointment was against the dignity of the House, in consequence of the vote which they had come to at the close of the investigation, and that it was also contrary to the wishes of the people at large. The conduct of Ministers, he contended, could not be construed into a contempt of the House; for where was the vote which made the appointment an insult? and in his conscience, he believed that measure perfectly agreeable to public opinion. Since 1809 a great deal had transpired to change the current of public sentiment. The public had had time to get cool out of that fever of agitation, which was studiously excited: there was not a man, he believed, who would not tell you that public opinion had materially changed. Nay, could not the honourable gentleman (Mr. Wardle) whom he saw in his place, and whom he expected to have heard this night, could not he tell them that he felt and knew that a very material change had taken place in the public mind? (*Loud cries of Hear! hear!*) An honourable Baronet had said that he knew of nothing like a conspiracy in the conduct of the business. In contradiction to this, he should only mention a single circumstance. Was it not proved in a Court of Justice, that the main and principal witness had received promises, and did receive bribes, as a consi-

deration for her evidence? (*Hear!*) If the honourable Baronet admitted these facts, his ideas of conspiracy must be very different from those of other men, if he denied that the conspiracy existed.

Mr. R. Thornton said, he should take up but a few moments while he expressed his satisfaction, that the House and the country, after the developement of many facts, could now give a just verdict in regard to the public conduct of the Duke of York. Misguided clamour had subsided, and reason had returned. The Duke of York had not been dismissed by the House, as was represented—he had dismissed himself, without being compelled to do so by any vote of the House. His restoration to office would gratify the Army, and mortify our enemies; and he did not see that any thing could more contribute to satisfy the public at large, than the adoption of a measure which our brave defenders so loudly called for. The country was ready to throw the veil of oblivion on what it was the duty and interest of the country to forget; and the Regent, who united the people at large into one family, was well advised by his Ministers, to give his Royal protection to the Duke of York, who had alone dismissed himself from his situation, and whose services were so universally acknowledged while he filled the office of Commander in Chief.

Mr. W. Smith shortly stated his reasons for voting in support of the motion. His opinion of the misconduct of the Duke of York was not so much founded on the testimony of the prominent witness, as on the collateral circumstances which unexpectedly came out during the inquiry. The discrediting of Mrs. Clarke's testimony, therefore, did not affect the vote he gave on that occasion. He agreed that his Royal Highness had already suffered a severe punishment, and he did not wish for his perpetual exclusion. His objections to the appointment lay within a small compass: the principal one was, that it was unadvisable, because with the vote which stood on the journals of the House, and which implied that, as the Duke had resigned, there was no occasion for the House proceeding to any farther decision on the question. The manly way of acting would have been for any gentleman who was friendly to such an appointment, to rise up in the House before it took place, and propose that the above vote should either be rescinded or modified. The sense of the House would thus

have been taken before the appointment took place. This was the proper mode, in his opinion; but while the vote to which he alluded stood on their journals, he should feel himself bound to vote in favour of the motion of the noble Lord.

Mr. Canning said, that in all ordinary cases of proposing a censure upon the advisers of the Crown, a strong case was required to be made out, that the onus of proving that there was something wrong in the appointment was thrown upon those who proposed the censure. That the power of appointing to the high offices of State, belonged constitutionally to the Crown would not be denied; neither could it be said that the exercise of that power could with propriety be called in question, unless it appeared that there was something wrong, or a suspicion of something wrong, in the appointment. The question then was, whether that House was to pass a censure upon the advisers of the late appointment, or upon the object of it, by concurring in the motion. If on the latter, what, he would ask, became of all the arguments of those who, in the most vindictive votes which they had formerly supported, denied that they had supported any resolution which would amount to a perpetual exclusion of the Duke of York from the office of Commander in Chief? If it was not right that his Royal Highness should be appointed now, when a vacancy had occurred in the office, at what time would it be right? If after two years of expiation he ought not to be restored to office, after what period of expiation ought he to be restored into an office for which he had more than common talents? It had been argued, that it formed an additional ground of censure, that the Prince Regent had been advised to make this appointment during the sitting of the same Parliament which had passed the previous resolutions on the subject of the Duke of York's conduct; yet so far was he from concurring in this opinion, that he thought the circumstance an extenuation, if the act even were censurable. It was undoubtedly an extenuating circumstance, that, advising the appointment, Ministers had not availed themselves of the facility of effecting it during a recess, without the danger of its being immediately called in question; and that they had resorted to the measure pending the sitting of the same Parliament which had voted the former resolutions. If that Parliament had been dissolved, and a succeeding

Parliament called upon to rescind the resolutions it had passed, he would allow, that such a course might be liable to the objection which had been urged. He would admit, that it was allowable to look back to former proceedings, in order to construe, by referring to the opinions then delivered, what was the intention of the House. The Resolution of the right honourable gentleman opposite, (Mr. Bathurst) he looked upon as the most severe of all; and he thought it a considerable aberration on the part of that right honourable gentleman (without meaning offence) with his acute and practical mind to suppose that such a resolution could remain a single day on their journals, without its producing the effect of having the Duke of York driven in disgrace from his office. Yet that Resolution had been rejected, and the right honourable gentleman himself had denied that any such effect was intended by him. Some honourable gentlemen, from the manner in which they had argued this motion, seemed to think themselves at liberty to go into the larger question, as to the propriety of appointing a Prince of the blood to any office of responsibility. The question was large, but he would not consent to decide it in the person of the Duke of York. He had before stated, and should then repeat, that a deliberative opinion of the army ought not to be considered by that House; not that he valued the opinion of such an army as we had less than other gentlemen; but that to suffer them to influence the deliberations of that House would be to endanger the Constitution. He should oppose the motion on the grounds that the Duke of York was as eligible to the office of Commander in Chief as any other subject—that he was peculiarly fitted for that office—that a vacancy had occurred previous to his appointment—that there was nothing in the recorded opinion of that House to show that he may not hold that office—and that there was much in the proceedings on the former occasion to show that it had been the wish of the House to guard against such a construction. He should, therefore, oppose the motion.

Mr. Wardle observed, that it was not his intention to have said a word upon this question, if it had not been for the allusions which had been made to transactions subsequent to the investigation, and in consequence of the particular and personal call which had been made upon him by an honourable gentleman opposite (Mr. M. Sutton). An

honourable Member (Mr. Secretary Ryder) had alluded to certain expressions which had been made use of by the Chief Justice of the King's Bench in one of the trials which had taken place before him. He admitted that the words quoted might have been used; but he would inform that right honourable gentleman, that the Chief Justice had held opinions in the course of that trial which he afterwards abandoned. The learned Judge would at first not allow any allusions to what had taken place in that House, yet subsequently, in his charge to the jury, had himself alluded to what he supposed to have fallen from him (Mr. Wardle) in that House, which upon a reference to the evidence would be found not to have been said by him. On the trial of Mr. Cobbett afterwards, that learned Judge would not allow of any allusion to be made to what passed in that House; and Mr Cobbett, when making it, had been stopped in his defence. Much had been said with regard to a witness who had been examined on the investigation, as to her having been bribed to give testimony which she afterwards contradicted on her oath; but at the time when she was giving such contradiction, she was a rich pensioner of 400*l.* per annum, besides having also received a very considerable sum of money, and it was for those who gave her this pension, and considerable sum of money, to state for what services they had been given to her. With respect to another witness who had given testimony on the trial, Daniel Wright, he should state one fact: that he brought an action against the Editor of a newspaper, for publishing a paragraph representing him as a perjured witness, and laid his damages at 1,000*l.* To that action the Editor entered a plea of justification; and the consequence was, that Wright had withdrawn his action, paying his own costs. A paper had been the day preceding put into his hands, reasserting the charge of perjury. As to the other witness, who had been attorney to Mrs. Clarke, he had to state, that Mr. Alley, his counsel, had asserted at a public dinner in the city, that that person had stated at his table what was contrary to what he swore on the trial. He had thought it necessary to state these facts to the House, and should not trouble them with any farther observations at that hour.

Lord Milton had but a few words to address to the House. An honourable Member (Mr. Barham) had said, that he

was rejoiced that this motion had been brought forward, as it would give the House an opportunity to retrace its steps, and atone for its former error. He was glad to give that honourable gentleman this satisfaction. The honourable Member had asserted too, that during the former proceedings there was a kind of fever in the public mind, a *puritomania*, which, by the delusion it created, led to the errors which he wished to retract. If he (Lord Milton) had acted on that occasion from such a delusion, he would be ready, with the honourable Member, to retrace his steps; but he had formed his opinion in that instance as a juror, and with the same solemnity as if he had been on oath; and it was because nothing had since happened to change the opinion he then formed that he came forward with his present motion.

A division then took place:—

For the Motion - -	47
Against it - - -	296
Majority - -	249

The other orders of the day were then disposed of. Adjourned.

HOUSE OF LORDS.

FRIDAY, JUNE 7.

The House met at an early hour, in a Committee of Privileges on the Berkeley Peerage, and sat till near six. Two persons of the names of Farren and Hickes, witnesses in this claim, were committed to Newgate for gross prevarication in giving their evidence at the bar of the House. The farther consideration of this case was adjourned till to-morrow.

The farther consideration of the Roxburgh cause was also deferred till to-morrow.

BATTLE OF ALBUERA.

The Earl of Liverpool rose, and said, that whatever differences of opinion might sometimes occur in questions of this nature, he could anticipate none on the present occasion. The highest honour that could be paid to the exer-

tions of our navy, were to be found in the thanks of the Parliament, and the approbation of the Sovereign, which was so felt by them to whom such approbation was given. He knew also, from former experience, that it was a tribute to departed merit most grateful to the surviving friends and relatives of those who fell in their country's service: a consolation that much alleviated their regret. An attention to this natural feeling was peculiarly applicable in the present instance, considering the nature of the conflict, the magnitude of the loss, and all the other circumstances of the affair. A peculiar feature in this action likewise called for particular attention. Though the greatest severity of the action fell on the British troops, yet it was a battle in which not only British, but Portuguese and Spaniards shared the dangers and glories of the day. Though the army was thus composed of three nations, yet we had seen a perfect cordiality among the officers, and a similar courage and perseverance in the troops. The enemy's object was one of great importance; no less than raising the blockade and siege of Badajoz; in which attempt, if successful, he would have compelled the allies to retreat behind the Guadiana. For this purpose he had collected all his disposable force in the south of Spain, and advanced against the allied army. The details of the business were before their Lordships, who had seen, that early in the day the severity of the attack fell chiefly on the Spanish force; whose steady valour, if not crowned with success, showed a resistance which was a proof of the innate valour of that gallant nation, and an earnest of still greater exertions. When the height was gained by the French, the efforts of our troops were such in regaining it as to equal the greatest examples ever afforded of martial prowess. They had lately had several opportunities of observing what was the gallant conduct of British troops: but from all the private letters which had reached this country, the victory then under consideration exhibited traits of individual character which were proofs of complete heroism. The corps of British troops, amounting to 8,000 men, were determined not to be conquered. The General himself, in his various experience, had never seen a parallel to their efforts. It must be most gratifying to contemplate the excellent conduct of our allies. Every occasion tended still farther to show the good effects of that discipline which General Sir W. Beresford had introduced and carried to so high a pitch among the

Portuguese. After the battle of Busaco, it was natural to say, that although in that strong position the Portuguese did their duty; yet when they should come to face an enemy in the field, they might not succeed equal to the expectations that many had formed of them. In this case they were peculiarly tried, and there was the authority of the General, and many Officers, for saying, that they manœuvred in the face of the enemy's fire in a manner equal to the British troops. There was the same ground of justification in the conduct of the Spanish troops. If, unfortunately, there was any former ground of regret, the occasion had now occurred, when Spanish and British troops had united with the utmost cordiality, and conquered. The enemy had failed in his object; had been repulsed and been compelled to retire with severe loss. By the judicious arrangements of our General before the battle took place, the enemy was prevented, in any event, from taking possession of our artillery and stores. By the result of the action, we were enabled to re-commence our operations. Viewing the number of the troops employed, we had certainly suffered a severe loss: a loss, under such circumstances, seldom surpassed; but it was consolatory to know they were not lost in a wanton conflict. The conduct of our General had been in perfect conformity to the instructions he had received from Lord Wellington. While he deplored the loss, feeling as he did, and particularly with regard to some who had fallen, whom he had the honour of knowing (such as General Houghton), he must still think, and he was sure their Lordships would, that it was most honourable to the arms of the allied nations, and deserving of the thanks of that House. It was his intention, after moving Thanks to General Beresford and the Army under his command, to move a similar tribute to the Portuguese and Spanish Armies. He concluded by moving Thanks to General Beresford, and the British troops under his command.

The Earl of Aberdeen rose, and seconded the motion. After expressing his deep sense of the merits of this battle, and his general agreement with what had fallen from the noble Earl, he mentioned some degree of surprise that no similar notice had been taken of the great merits of Lord Viscount Wellington, in the battle of Fuentes de Honor; an action which, his Lordship conceived, fully entitled him

to a vote of thanks from that House; which was distinguished by a most masterly manœuvre, and which the thanks of the House recently voted to his Lordship was no reason, in his mind, for preventing.

The Earl of Liverpool explained, that the thanks had been given to Lord Wellington for the general system of the campaign. There would be no doubt of the disposition of Government to thank Lord Wellington for his achievements; of which, he was certain, that noble commander was perfectly acquainted. No thanks voted to General Beresford, could interfere with the honour so justly due to Lord Wellington.

The Earl of Moira expressed his sincere and hearty concurrence in the testimony to the valour, skill, and perseverance displayed by General Sir W. Beresford and his army. Their thanks he should have considered most worthily earned, had the battle been merely a grand assertion of the valour and dignity of the British name and character. On the general subject of the thanks of Parliament, of which he thought the value could not be kept up too high, he observed, that it had of late come too much into practice to exercise too great a latitude. There was a danger in this, because Ministers might make use of them to gain Parliamentary approbation of expeditions of their own which were rash and improvident, though the officers employed displayed all those merits, which, as far as they were concerned, deserved a grateful return. In the present instance, however, there were no grounds of this nature on which suspicions might rest. It was another victory, which showed to the world that the gallant officers and soldiers of our army were the worthy comrades of those who, on every sea, had proclaimed our naval glories. He was happy to see that cordiality, as well as steady bravery, in the Spaniards; which cordiality, from some causes or other, had, unfortunately, not been displayed on any former occasion. He trusted it would lead to farther proofs of its efficacy; and that the excellent opportunities it must afford would not be lost, now that the war was, in fact, beginning daily to assume a more important appearance. It was with regret he alluded to our not having taken more effectual steps at an earlier period, to conciliate the Spanish mind, and to infuse into it a greater degree of confidence in us.

The question was put, and carried.

The Earl of Liverpool then moved the thanks to the Portuguese army. Carried.

His Lordship next proposed a similar motion respecting the Spaniards, on which

Lord Holland rose, and regretted that any circumstances such as the observations respecting Lord Wellington, should be introduced into a discussion on a motion of thanks to a particular officer and army. He had not had time to search the precedents respecting the mode pursued by Parliament towards Prince Eugene and Prince Ferdinand, but thought that some better mode might be devised for rendering their tribute of approbation to General Blake and his army, than by communicating it through an officer in another service. On the general question of thanks, no doubt could arise.

The Earl of Liverpool said he was desirous of attending to the noble Lord's suggestion, but circumstances had occurred in another place (the vote in the Commons) which would make it inconvenient. In the case of Prince Ferdinand, the Commons expressed their approbation by a communication through their Speaker. He should, however, take care of the mode in which the present vote was communicated, and should also provide that a proper notice of it should be given in the proper quarter.

This motion also was carried, *nem. diss.*

Adjourned.

HOUSE OF COMMONS.

FRIDAY, JUNE 7.

Mr. Wilbraham Bootle, pursuant to notice, moved that a Committee be appointed to inquire into the state of Parish Apprentices within the Bills of Mortality, and to report thereon to the House.

A conversation of some length ensued, in which many Members took a part, and Mr. Bootle took occasion to state, that having consented to let the Bill for regulating the mode of apprenticing parish boys lie over to the next session, in consequence of the opposition which he understood was to be made to it, his object in the present motion was to obtain, through the Committee, a paper which could not be procured by the direct order of the House: the paper was the

list of the number of parish apprentices placed out in each year, which parish clerks were bound by law to make a return of. When this paper should be produced, he proposed to let it lie on the table till next session, in order that gentlemen might have the opportunity to make themselves thoroughly acquainted with the subject.

The motion was then agreed to, and the Committee appointed.

Several papers were ordered relative to the removal of Mr. Petre from the Council at Madras, and to other transactions connected with the proceedings had on that occasion.

Mr. W. Smith presented a petition from certain persons interested in the measure, against the Bill in progress through the House for suspending the payment of drawbacks upon spirits exported to England or Ireland from either country.—Ordered to lie on the table.

THANKS TO GENERAL BERESFORD.

The Chancellor of the Exchequer observing, that, according to the course of proceeding adopted by the House in the present session, orders of the day were to have precedence of motions on this day, still felt a conviction, that the motion which he had to make, recognising the merits of the General, the Officers, and gallant army engaged in the battle of Albuera, would be allowed by the House to take precedence of any other business. (*Hear! hear!*) He collected from this cheer an admission on the part of the House, and should therefore proceed. Now again he felt himself placed in the situation, in which he had imposed upon him the agreeable duty, which several times during the present session he had had to perform, of presenting to the consideration of the House the eminent services of the British and Allied armies—services which had been so frequently crowned with the most signal and brilliant success. He had again to bring under the notice, and recommend to the attention and approbation of that House, the meritorious conduct of the officers and men of that army, who had so nobly distinguished themselves in the glorious cause in which they were engaged—the defence of the oppressed people of the Peninsula, against the most grinding system of tyranny and oppression to which any nation had ever been exposed. He had on this happy occasion to enrol upon the illustrious list of those heroes who had signalized their valour and skill in their country's service,

the names of General Beresford, who so ably commanded the allied army at Albuera, and of the other officers, whose eminent merits contributed to the brilliant victory obtained in that part of the Peninsula. To himself it was grateful, as he was convinced it would be satisfactory to every gentleman who heard him, and to the country, that, although they might feel a pride in contemplating the accumulated glories and honours acquired by particular Generals, yet the country could reflect with exultation that it was not to one or two Generals only they could look with confidence for signal talents and heroic achievements in the field, but that the country had several Generals competent to meet any General of France, with an army nearly equal in numbers, not only with glory to themselves, but with defeat to their enemies. It was remarkable, that, in the short period of the present session, this was the third time when it had become his duty to bring the eminent services of the Army under consideration of the House, introductory of a vote of its thanks, the highest honour it could bestow. And here he trusted, that the House would do his Majesty's Ministers the justice to allow, that they had not studiously taken advantage of gallant exploits of any equivocal character or inferior importance, to call upon the House for its thanks, for the purpose of obtaining an indirect attestation of their own merits and exertions in providing the means of accomplishing such successes. The House would, therefore, he was fully persuaded, give them credit for not having multiplied their applications to Parliament for the high honour of their thanks to reward eminent military services, with any such paltry view. No, it was a duty imposed upon them by the blessings of Providence, which enabled his Majesty's forces to achieve in the short period which had elapsed of the present campaign, more signal and glorious successes than had been heretofore obtained in almost any space of a tedious and protracted war. (*Hear!*) Sure he was that upon this point the House would be more disposed to censure the conduct of Ministers for having been too sparing in their applications—for having withheld the thanks of that House from meritorious services—than to complain of their having multiplied too much the instances in which they called upon the House to record their high approbation of the gallantry and good conduct of their brave officers and troops. He need not here allude to the capture of the island of Banda in a most romantic and chivalrous style by a

small but heroic band; an enterprise entitled to rank for decision and intrepidity with any to be found in the annals of military achievements. Neither need he point out the masterly and gallant manner in which the conquest of the islands of Bourbon and Mauritius had been accomplished; an object of so much importance, not only from the annoyance which they enabled the enemy to give to British commerce, but from the anxiety which every Minister of this country had manifested to obtain possession of them. The House would acquit Ministers of any anxiety to drag before their view services, however important, which may admit of doubt as to their claim to the thanks of Parliament. The occasion to which he had alluded particularly, as having submitted for the approbation of that House, were the gallant exploits performed in the Peninsula; from the glorious victory of Busaco, obtained by Lord Wellington in his retreat to his lines, to what surpassed all—the important victory at Almeida. Under all the circumstances of the case, it would be admitted that they had rather abstained from overloading the Journals with votes of thanks, than unnecessarily squandered that proud distinction; and if any gentleman were to criticise their conduct, his animadversion would be directed to their forbearance, at a period when scarce a day passed without an expectation of some victory; which expectation was uniformly realized by the next accounts. In short, such a tide and flood of victory flowed in our favour, that of our Army it might be said, as of an army of old:

"Hostis nihil aliud est nisi perpetua gloriæ materia vestræ."

The enemy, by the incessant victories gained over them, seemed to serve only as a fund to supply materials for the accumulating glories of the British army. He had only to refer to the manner in which the former votes had been received, to shew that he had not been lavish in bringing these votes forward. Having stated thus much as to the circumstances in which he brought forward the motion of this night, he should proceed next to state the circumstances of the action to which his motion applied. It appeared by the dispatches, that General Beresford was engaged in the siege, when he received intelligence that Marshal Soult, having collected from the corps of Victor, Sebastiani, and from the interior of Spain, all the force which he could assemble, had broken up on the 10th of May from Seville,

to march to the relief of Badajoz. Upon receipt of this intelligence, it appeared that he considered how he should meet the attack; whether he should raise the siege of Badajoz and await the attack of Soult, or provide for both objects. He determined to prepare for the attack, lest by endeavouring to attend also to the siege, he might risk the loss of both objects. He then took up a position on the river Albuera, where he was joined in the evening preceding the action by the allied force under Generals Blake and Castanos, in pursuance of a previous arrangement with those officers; and it was not till the morning of the day on which the battle was fought that he was joined by the corps under General Cole, which had been left to cover the conveyance of the heavy ordnance and stores from before Badajoz to Elvas. [The right honourable gentleman then proceeded to detail from the official dispatches, the order of battle—the Spaniards on the hill on the right, General Stuart's division on the left of them, and General Hamilton's on the left of General Stuart's. The enemy made a demonstration on the left, and, taking advantage of the weather, which masked his operations, directed the main body of his force and all his attention to an attack upon the position occupied by the Spaniards on the right. The Spanish troops resisted this concentrated attack with intrepidity and courage, but were at length obliged to give way to superior forces, and were driven from the hill. To the immortal honour, however, of these gallant troops, they rallied at the bottom of the hill, turned upon the enemy, and kept them in check by their fire, till the brigade of Lieut.-Colonel Colbourne came to their support. The brigade of General Cole was stationed in the rear of the Spaniards. The brigade of Colonel Colbourne, not being able to dislodge the enemy from their position by their fire, proceeded to charge them with the bayonet; and it was in this charge that that brigade, consisting of three regiments, suffered so severely from an unexpected charge by a division of Polish cavalry. A small regiment, the 31st, kept this cavalry in check, till the brigade of General Houghton came up; when that brave and distingnished officer fell, cheering his men to the charge.] Whilst stating this circumstance, he trusted the House would agree with him as to the propriety of marking their admiration of the glorious circumstances of his death, by erecting a monument to the hero at the public expence; at once a testimony to posterity of their gratitude and his

glory. (*Hear! hear!*) In the course of this contest it would be observed that every man did his duty. But it was against the right that the principal efforts of the enemy were directed. In this point, the brigade of General Cole, and particularly the fusileers, took the French on their left flank, and, making a combined charge with the other troops, drove them from the the eminence which commanded the British line, and which was the great object of their efforts to acquire, and of their ambition to retain. It was upon being driven from this hill that the French were broken, and forced with great slaughter down the hill. Never had there fallen in so small a space so many victims to the fury of war as on the acclivity of this hill, after the enemy had been driven from the summit to the bottom. When he stated that the whole of the battle took place on the right, he did not mean to be understood that no efforts had been made in any other part of the line. The enemy had directed serious attacks in other quarters, and if no other action had boen fought but what had taken place at the bridge of Albuera, that alone would be enough to immortalize the glory of that day. Such had been the circumstances of this glorious battle, the consequences of which were—the flight of the enemy from the scene of action—the abandonment of their wounded: and the situation of the miserable remnant of the French army may be estimated from the intercepted letter of General Gazan to Marshal Soult, which represented the force under him of wounded to amount to 4000 men. But the usual consequences of this glorious victory would prove most highly beneficial to the cause in which we were engaged. When they considered the effect that must necessarily be produced by the signal disappointment of all the boasts of the enemy, by the frustrating of all their proud pretensions and anticipated triumphs, it was impossible to describe that effect in stronger terms than in the language of General Beresford, who alluded to the impression that would be made by the return of Marshal Soult, after all his boasts, "to Seville with a broken army, and what was worse, a diminished reputation." But in the circumstances of this action there were some particulars which might afford the enemy a pretext to claim a victory. In the charge which the brigade of Col. Colbourne had sustained from the Polish cavalry, the three regiments of which it was composed undoubtedly lost their colours. The colours of one of them were afterwards re-

covered, one standard re-taken from the enemy, and the other preserved for his corps in an exemplary manner by the gallant officer who had the charge of it. The colours of the two other regiments undoubtedly were in possession of the enemy, and would in all probability be made the ground of a claim of triumph. Whilst upon this topic, he trusted the House would excuse him for adverting to the very gallant and heroic conduct of the two officers who bore the colours of the Buffs, which had been preserved. One of them was surrounded by the enemy, and when asked to give his colours, answered, not but with his life; and his life was the instant forfeit of his refusal. (*A call of name! name!*) The name of this heroic individual was Ensign Thomas. (*Hear! hear!*) The standard thus taken was afterwards recovered from the enemy. The manner in which the other standard was preserved, was marked by circumstances equally meritorious and honourable to the individual who preserved it, and equally entitled to the applause and admiration of his country. Ensign Walsh was the officer he alluded to. This gallant individual having the staff of the colours broken by a cannon-ball, which also severely wounded himself, fell upon the field of battle, and, more anxious about his precious charge than for himself, contrived to separate the flag from the remnant of the staff, and secured it in his bosom, from which he afterwards produced it when his wounds were dressed after the battle. (*Hear! hear!*) He was rejoiced to name these heroic individuals, and to give all the splendour to their reputation, which the mention of their deeds in that House was calculated to confer. He knew not whether it might be permitted him here to mention also the case of General Beresford himself. After the charge of the Polish cavalry, which had proved so disastrous to the brigade of Col. Colbourne, one horseman separated from his corps, and, unsupported by any others, approached so near Marshal Beresford, either from the effects of intoxication or the phrenzy of military enthusiasm, as to aim a blow at his life. The General, anxious only to preserve the life of the man, evaded his blow by his dexterity, and, availing himself of his superior strength, pulled him to the ground; but no sooner was he perceived still meditating a blow at the General, than he was instantly dispatched by one of his orderlies. (*Hear! hear!*) He mentioned this only to shew that this unforeseen accident might have deprived the country of the services of this

gallant officer. He begged the House now to allow him to allude to the moral consequences which must result from this victory—such a victory occurring at such a time and under such circumstances. When they considered the attempt of Massena to relieve Almeida, and the almost contemporaneous effort of Soult to relieve Badajoz, they could not consider both in any other light than as a desperate attempt undertaken in pursuance of orders from their government to retrieve the character and the honour of the French arms in the Peninsula. He had also to acquaint the House, that it was now well ascertained, that Marshal Soult, on leaving Seville, in the confidence of anticipated victory, published one of those boasting proclamations for which the French Generals are so remarkable; and that he had frequently on his march addressed his troops upon the certainty of their success. The utter disappointment of all these confident expectations of victory must raise the hopes and increase the confidence of the Allies, at the same time that it must lower the tone and the pretensions of the enemy. He could not but consider it as opening new and flattering prospects to us in the Peninsula. He was aware that some gentlemen were of opinion, that there was no limit to the means of the French Emperor, and that he could have no difficulty in sending three or four hundred thousand men into the Peninsula. For himself, he should say, that he did not think it so easy for him to send any large force thither; particularly when there was a prospect that he might have employment for so many of his forces elsewhere. But even if he should be able to place his force in the Peninsula on the same footing as before, he would find the Allies better prepared to meet him—he would find, from the glorious example set by the Spanish troops at Albuera, far different enemies to contend with. When he looked to the grievous disappointment of the hopes of the enemy, he could not think he entertained any exaggerated confidence in the operations of war: their issue was in other hands. Whether the pleasing hopes he entertained were well founded, under all the circumstances, he should leave to the public to decide; but whatever may be the foundation of his expectations, he prayed that God, in whose disposal the issue of all contests was placed, would grant that they should be realized. He should move, then, "the thanks of that House to Major-General Beresford, for the distinguished ability displayed by him on the 16th of May, in the glorious

battle of Albuera, in which he had defeated the French Army under Marshal Soult."

Lord Castlereagh, in seconding the motion said, that his partiality for General Beresford had not warped his judgment as to the merits of that officer. The whole of that gallant officer's conduct during the time he served in the Peninsula, entitled him to every praise. Though we certainly had suffered much loss on the Peninsula, still our advantage had been equivalent, and we ought not to repine. It was very fortunate, and much to be desired, that the expulsion of the French from Portugal should be terminated by a fair trial of strength. On the last occasion, after calling their reinforcements together, they were defeated by so decisive a repulse, that it might be fairly denominated a victory. Such exploits had given to the campaign of Lord Wellington every character of excellence of which military genius was capable. The conduct of the Spaniards had been most exemplary, and it was to be hoped that the termination of this campaign would rouse them to the greatest exertions. It was a most signal circumstance to mark the desperation of the affairs of France on the Peninsula, that after all her efforts, even on the termination of the third campaign, she was not able (with the exception of a few detestable traitors in the beginning) to bring a single battalion of native Spaniards into the field against their country. No matter what might have been said against the spirit of the Spaniards—call it obstinacy—call it false pride—call it what they would—still, if it was untractable in the hands of friends, it proved ten times more so in opposition to their enemies.

General Tarleton complimented the Chancellor of the Exchequer on the military precision with which he had stated the details of the battle. He knew no occasion on which the British troops had shewn greater instances of determined courage.

Sir H. Montgomery hoped, after what had been stated this night, that the House should hear no more of Ireland's being a burthen upon this country.

General Mathew hoped that he should not be considered as digressing, if he stated shortly the services of the gallant General who was the object of the present motion. General Beresford had been thirty years in the service of his country. He commenced in America, was at Toulon, at Corsica, in India, at Madeira, in Portugal, and in Spain with Sir John

Moore. He had only to state to the Chancellor of the Exchequer for his consideration, that the gallant General had lost almost all he was worth in the world by the failure of his relative in Dublin (Mr. John Claudius Beresford, late M.P.) He stated this merely for his consideration, in the hope that some pecuniary reward would be added to his honours.

A vote of thanks was then passed to the Generals, Officers, Non-commissioned Officers, and to the Portuguese Army under Sir J. Carr Beresford.

The Chancellor of the Exchequer then stated, that though it was without a precedent to propose a vote of thanks to foreign troops, unless under the command of British officers, still he should have no hesitation in proposing as a motion, "that this House does fully acknowledge the distinguished valour of the Spanish troops under the command of General Blake, at the battle of Albuera."

Mr. Whitbread fully concurred in the motion.

The Chancellor of the Exchequer then moved an Address to the Prince Regent, praying that a Monument should be erected to the memory of Major-General Houghton, who fell so gloriously in the battle of Albuera, (*Hear! hear!*) the expence of which this House would see defrayed, which was agreed to.

MILITARY POLICY OF THE COUNTRY.

Mr. Hutchinson, in pursuance of his notice, rose, and addressed the House to the following effect:—"The wish for a secure and honourable peace must be general; but no one, at this moment, believes in the possibility of its attainment—nay, all agree in the necessity of continuing the war. Those, who, till lately, shared in the universal panic which the unrivalled success, for many years, of the French arms on the Continent had produced, are now considerably shaken in their first impressions, and inclined to hope, where they had once despaired. Those who (with myself) never swerved from the opinion, that this nation possessed great military power, though they have lamented, and still continue to lament, the too frequent misapplication of that power, and the inadequacy of our exertions, cannot but most heartily rejoice in any event which demonstrates the gallantry and efficiency of our troops, however they may consider such events as indecisive of ultimate success, and only as positive proofs of the capability of the empire—

proofs, however, not requisite to establish, though they afford a noble confirmation of our long-acknowledged character for national intrepidity. I am aware that we have made considerable efforts during the last few years—efforts comparatively great: but when they who exult in the undaunted mettle they have displayed, declare that "we now possess as great a force as could be either rationally or practicably maintained;" that is, that this country has already made her best exertions, sufficient for the exigencies of the times, and to repel the dangers with which it is threatened; when they, whose theme is war, eternal war! until the power of France be humbled, eagerly adopt, and approve the opinion, that "nothing could justify a call on the country for greater exertions," one cannot but feel, that great indeed must be their ignorance of the designs and power of the enemy—as well as of the resources of this country—greater still, their presumption, if they really think that the measures they have adopted are adequate to the occasion. Yet, while Ministers hold this language themselves, and cheer these sentiments in others, they declare that we are contending for our very existence as a state—that the great cause which we maintain in the Peninsula is not so much that of the allies, as our own—that it is better to decide our fate there with the enemy, than to have to contend with him on these shores. Our troops have, indeed, every where distinguished themselves, "and nobly upheld the fame of the British name and nation," our blood and treasures too have been lavished—but still no exertion has been yet made worthy so great a people, possessed of such powerful resources, and contending for their very existence. We have been triumphantly congratulated on having escaped the fate of all the other Powers of Europe, on our having arrested the progress of the enemy, by our glorious achievements in the Peninsula, where, we are told, that we have directed "the impending thunderbolt harmless to the earth." We were asked, not long since, whether we should not be ashamed to say, as formerly, "we are safe." The scene of action, it is true, is changed; but the strength of the enemy, after a most masterly retreat, and several sanguinary conflicts, remains unbroken! Have we indeed effectually resisted the progress of the French? Is Lord Wellington possessed of means sufficient to enable him to offer the enemy—"such a conflict as he has never yet experienced?" What are his own

words in his dispatches so late as the 8th of May? "Their superiority in cavalry is very great"—"the result of a general action brought on by an attack of the enemy by us might under these circumstances have been doubtful." What more can we require than this, the General's own admission, to undeceive us on this head? But, for the sake of argument, granting it otherwise, would the annihilation of Massena and his whole army ensure the Peninsula to the allies in their present state of organization and force, or do any thing more than retard, and for a short time too, the expulsion of the British? Let us not suppose that the enemy has abandoned his designs, or is unequal to their accomplishment, because, for the moment, his views may be otherwise directed. No doubt he has experienced a most undaunted and formidable opposition, and besides such physical impediments as he appears not to have counted upon; but while Spain daily loses her fortresses and her best troops without making much, if any progress, towards becoming military; and while England scantily doles our her chosen bands—the enemy can afford, without material risk, to prosecute other objects, whilst he only delays those relating to the Peninsula. We have indeed gained that, which in such a war is inestimable—time! —We have obtained that, which is in itself a tower of strength—confidence!—while to the taunts of an enemy, become insolent by success, we have replied by repeated victories. But as I was not one of those who mistook hopes for certainties, or construed the retreat of an enemy into the consummation of a campaign, I am not now surprised that a contest, which was considered as having finally terminated, should have but just commenced. I cannot forget, that we are but now recovering, in consequence of the enemy's cession, that country, of which he had but recently dispossessed us. Assuredly we have cause to rejoice, and to be sincerely thankful;—but while victory, that victory which is to decide between the two countries, is still doubtful, we should prepare more than ever for war—not hang up our arms, nor devote merely to eulogies and congratulations, those precious moments which should be employed in exerting every nerve to afford Lord Wellington, (who has spent his life in the "tented field," and who, repeatedly victorious, has never yet been defeated), a fair opportunity of measuring swords with the enemy, when with increased force and confidence he shall rally for the

fight.—There is no man in this House, or in the country, less disposed to excite a spirit of interminable warfare; but however desirable a secure and honourable peace, as well for the interests of humanity as for the alleviation of our national burdens, I cannot discover in either Government any pacific disposition; neither will, I fear, consent without first obtaining an unfair advantage over the other. With the exception of the war in the Peninsula, Buonaparté's splendid and unequalled success has been the result of plans wisely conceived, and ably executed. Look to him in 1799, when, for the first time, he was placed at the head of the government of France, collecting at Dijon an army of reserve (ridiculed, because its object was not understood), with which he secured his victory at Marengo in the following year (1800). See him at Boulogne with his army of England, equally ridiculed, preparing in 1803 for the defeat of Austria at Austerlitz, in 1805. Behold him in his Confederation of the Rhine (early in 1806) anticipating by its agency the enthraldom of Germany, the subjugation of the Prussian monarchy, and the humbling of the great Autocrat of the North. View him on the Vistula in 1806-7, (while we were ridiculing his exertions, anticipating his destruction, and paralyzed into a state of culpable inactivity), collecting troops from Italy, and the most western extremities of France, Flanders, and Holland; by the aid of which he afterwards fought and conquered, on the memorable day of Friedland, a day decisive of so much!—Witness similar exertions after the battle of Asperne (1809) when, at Wagram, he repaired the disasters of that day, and established his real supremacy in Europe, by a masterly and rapid junction of scattered and distant corps. See him at this moment in the north-west of Europe, under the pretext of merely excluding British commerce from the Continent (one of his objects doubtless—one too originally ridiculed as visionary, but which, however, unhappily for us, has been but too successful), organizing a force, by which he has already nominated to the throne of Sweden, and is now enabled to make any distribution he pleases of those of Denmark and Prussia. See him at Dantzic, Custrine, and Stettin—behold, on the north-east of Germany, his long delayed, but sure-working plans as to the re-integration of Poland, whence, as from a citadel, he will be enabled to hold in subjection the whole European Continent. View him in his Illyrian empire, already directing

his footsteps, resolved to plant his eagles on the Byzantine throne of the Cæsars. And, finally, behold him calling out the conscripts for 1811, for the purpose of securing, if not resisted by counter exertions on our part, the conquest of Spain and Portugal, however hitherto deferred—and (not unlikely) for ulterior objects too, the mere mention of which might subject one perhaps to the scorn and derision of this House, and to the reprobation of an easily deceived public; who, feeble when they think themselves invincible, are frequently most confident when they have least reason for being so; and who, possessing great resources wherewith to become strong, are often ignorant how to call forth such power, and still more how to employ it when arrayed. From these examples, it is evident that Napoleon has left nothing to accident or chance, but that (with the exception already mentioned) he has invariably acted on plans suggested by the wisest policy, and carried into effect with the most consummate military talent. What have been, during the same period, our Continental exertions? In 1800 we appeared off Genoa with a small corps, not exceeding 4000 men, a few days subsequent to the battle of Marengo. The junction of a considerable military force, such as might easily have been furnished by this country, would in all probability, a few days prior to our arrival, have secured the victory to the Austrians, and possibly have prevented the forming of those fetters, which have since enchained the Powers of Europe. The attempt at least would have been worthy of this nation, and so great a cause. Subsequent to this, in the same year, we made two unsuccessful attempts against Ferrol and Cadiz. In 1801, with about 14,000 effective men, we undertook the expulsion of 26,000 of the chosen troops of France from Egypt —a glorious expedition, and the only one successful during that whole war. In 1805, with 8000 men, we formed a junction in Italy with the Neapolitan and Russian armies; but we speedily abandoned the country, and landed in the December of that year, with 25,000 men, in the North of Germany, where we took up a position on the Weser, but not until the battle of Austerlitz had been lost, and an armistice signed preparatory to the peace of Presburgh. In 1806, with less than 5,000 men against a greatly superior force, we gained the battle of Maida, which, though highly glorious to the troops, and to the general, Sir John Stuart, as every thing connected with his military

life has been,) had no beneficial result. In the same year we made several practical descents at Buenos Ayres, where, after having increased our force to 10,000 men, we were ultimately foiled and disgraced! In 1807, with a small corps of 5000 men we made an unnecessary, unjust, and inglorious descent on the coast of Egypt, from whence, in a few months, we hastily retired. And in the same year, (after permitting a favourable opportunity to escape us, and suffering our allies, the Russians, to waste themselves in a most unequal contest, which they maintained with their characteristic heroism) we appeared, at the very eve of the peace of Tilsit, with a small corps of 7000 men, at Stralsund, whence we speedily retired, without performing any thing; and with increased numbers, amounting to 25,000, we shortly after succeeded in the unhallowed capture of Copenhagen. In 1808, the gallant and ever-to-be-lamented Sir John Moore was dispatched (with what rational military object remains still to be explained) to Sweden, with a chosen corps of 10,000 men, which his good sense and firmness probably saved from destruction, and with which he shortly returned to the British coast, without having fired a shot. In the same year commenced our campaigns in Spain and Portugal, under the most propitious circumstances—the spirit of our people and that of the allies most enthusiastic—the state of Europe favourable—the cause a great and just one! Yet, Sir John Moore, though at the head of a nominal corps of 40,000 men, was at no moment in a situation of offering battle to the enemy, with a force much exceeding 26,000 effective. I am aware, that the Downing-street Generals, assisted by their Staff and official documents, proved to their own satisfaction at least, that he had 40,000—but Sir John Moore, though in the field with them, never could discover more than 26,000; it is true, indeed, he had recourse but to the old exploded method of counting by the head. Yet in this same year it appears, that the whole French force collected behind the Ebro, did not exceed 45,000 men—and early in this year we might have had 70,000 in the Peninsula. In 1809, after having received intelligence of the loss of the battle of Wagram, we committed an army of 40,000 men to the marshes of Walcheren. Our bravest sons, keen for the fight, there died the death of cowards and of common men! —sunk without wounds, and fell without renown! And this we did with such an admirable choice of time and place,

that even had success ensued, we could not have struck an effectual blow against the power of Buonaparté.—Yet, early in that year, by uniting only our Walcheren, Spanish, and Sicilian armies, we might have thrown on any part of the Continent 95,000 men, a force greatly superior in number to that with which the Archduke Charles gained the battle of Asperne, and nearly equal to that with which the enemy obtained the decisive victory of Wagram.—What would Buonaparté have done with our means? How would he have availed himself of such opportunities? On several different occasions, the French armies were in Austria, at the most distant points of Prussia, nay, at the eastern extremity of Poland. France, stripped of troops—exposed at all points—a population of eleven millions in the Peninsula, animated as one man against her—a hostile disposition in various parts of the Continent—these islands, peopled with a hardy gallant peasantry, trained in a great degree to arms—an embodied militia from 65 to 86,000 men—a regular army from 135 to 235,000—a local militia to any amount—the undisputed empire of the seas—tonnage equal to convey any number of men—the enemy's shores within a few hours sail—all Europe open to us—What, I ask, with these opportunities, and such means, would not Buonaparté have attempted? what would he not have effected? It has been said, that had we to select a spot in Europe, most favourable to ourselves, and disadvantageous to the enemy, we should have chosen that on which we now act in the Peninsula. We have been reminded of the great and appalling difficulties under which the enemy has brought up his troops and supplies from the most distant points, and of the great comparative facility with which we have effected the same objects, in consequence of our maritime advantages and locality. How have we availed ourselves of these advantages of which Ministers boast so much? The strength of Lord Wellington's army, originally 25,000 men, has not in the course of two years been increased to more than 35,000 effective British; that strength now much diminished, in consequence of our severe recent losses. Yet we appear to be possessed of a force amounting to 235,000 men, from which, deducting the armies and garrisons of the Peninsula, Sicily, Gibraltar, America, the Cape, the two Indias, and Ireland, amounting to about 134,000, there remains a force unaccounted for (at least not employed on actual service) of upwards of 100,000, allowing too in the above statement (of 135,000) 50,000 to be actually

employed in the Peninsula, 20,000 for the East Indies, and as many for Ireland, both of which are greatly overstated at this amount. Do these 100,000 men really exist? If they do not, why is the country burdened with the enormous expence necessary for the support of such an establishment? If they are forthcoming, why are they not, or a part of them, employed in the Peninsula? I shall not be told that it is necessary to keep upon our own shores a disposable force of 121,000 men, after what we have heard of the perfect internal security afforded by the Local Militia and other corps—this security should be something more than nominal, when it appears that the expence to the country of the embodied and Local Militia, and the Volunteer Corps, exceeds annually three millions sterling, while their vast numbers render any other species of troops altogether superfluous for home defence. Does Lord Wellington not require reinforcements?—Supposing the French armies now hovering on the frontiers of Portugal defeated—nay, according to the sanguine calculation of some gentlemen, destroyed—could this be effected without severe loss on our side?—Can we expect, when we consider the enemy we have to deal with, that Lord Wellington with his present British force, aided but by the inexperienced, however patriotic and gallant levies of Portugal and Spain, can continue this contest with any prospect of ultimate success, so long as we only afford scanty and inadequate supplies? In the hour of our success, we calumniate the enemy. Are we ignorant how highly the officers who led the van of the British army applaud the skill and valour of Marshal Ney, and those troops who covered the retreat of Massena? Do we already forget our own severe losses on the Duas Casas, and that still more sanguinary, though glorious conflict of Albuera? In what state have the exertions of the enemy left our armies at this moment for active operations in the Peninsula? Would not a small reinforcement to him at this critical instant compel us hastily to retire to our lines? I deny generally the humble degraded state of the enemy and his loss of military fame; and I do so, not with a view of offending or irritating those who differ from me, but to remove an impression, which, if suffered to remain, may be greatly injurious, at a moment when our exertions, instead of being relaxed, should be more vigorous than ever. Those who take credit to themselves for having so long back as three years co-operated in the plan then formed, and since

persevered in, that of this peninsular war, may be asked, why they have not yet made attempts to animate and dispose the country to exertions suitable to the occasion? Did they not then foresee, are they not now convinced of the necessity of such exertions if they look to ultimate success? If Ministers had confidence in the predictions of their General, whose prophetic inspirations they have as loudly commended as his military talents—why, if they really expected that the last struggle for Portugal would be made at the lines of Torres Vedras, did they not co-operate with the exertions of Lord Wellington, and while he, at the head of his army on the frontiers, was yet anxiously completing the fortifications of that position? why, on their part, were they not making such preparations at home, as would have enabled them instantaneously to strengthen him, as soon as he should have been forced back to the position he had so long selected for the complete overthrow of the enemy? It is notorious that they made no such preparation. Was Lord Wellington sufficiently strong? If so, why was Massena not attacked before he took up his position at Santarem? Would not his defeat there, and at that moment, have been most desirable? Unquestionably it would—but the effective British force, after the affair of Buzaco, amounted only to 25,000 men, and the French had crossed the Mondego with about 50,000. It is true that Lord Wellington highly commended the discipline and gallantry of some of the allied troops—a circumstance much insisted upon by those who precipitately pronounced on his conduct, without considering what should be the policy of a general and a statesman, when representing the first exertions of new and undisciplined troops:—but it is evident he had not that reliance on them which would have justified him in risking any attack against an Army which nearly doubled that of his regular force. But it may be said, that Ministers knew he was sufficiently strong for the defence of his lines, where alone he intended to fight. Had he sufficient force even for these lines? It is evident that they were convinced he had not; for they sent him reinforcements, which however did not arrive until March, though his retreat to his position commenced in October. Do they not know the value of time in war, of a day, an hour? Are they, who with so much justice have applauded the anxiety of the General to spare the lives of his troops, ignorant of those which may be saved by not limiting him to that

force merely with which on a nice calculation, and relying on the heroism of his men, he may succeed, but not without a terrible carnage? The 10,000 men for whom they applied to Parliament in the spring of this year, why had they not taken measures to obtain in the last? Why has not the whole of the Militia been long since rendered disposable for the line? Between October and the first week in March, Lord Wellington did not receive more than 6,000 additional men, though it is evident he felt himself not sufficiently strong in his lines; for in October he recalled from Estremadura Marquis Romana and his corps, who at that moment threatened Seville, having recommenced offensive operations. The absence of this corps from this point enabled Soult and Mortier to combine their operations against Badajoz, and may be fairly considered as having greatly accelerated the fall of that place.—His Lordship has proved to Ministers the great value of a reinforcement, even of 5,000 men; for on the arrival of a force to that amount, in March last, he was enabled to undertake the double operations to the Agueda and the Guadiana: he has also avowed, that had he received these men earlier, he would have attempted the relief of Badajoz. Ministers may now indeed chaunt the praises of Lord Wellington; but it is evident they did not afford him effectual support, at a most important moment; they may even be accused of having marred his plans. We are told, that we have secured for the allies an additional year. Let us not be too sure of this—but, granting it, are we to rest satisfied? Is this the utmost of our expectations? An additional year! Is this the nature of the warfare which we wage? Is it for this additional year only, that in all the "waste of blind extravagance," we are squandering our treasures, and shedding the best blood of the empire? It has been rumoured, that the Spanish Government at Cadiz does not enter cordially into Lord Wellington's views. I know not how true this may be; but of this I am confident, that, however the short-sighted politicians of Britain may consider a mere protracted contest beneficial to these islands, the Spaniards and Portuguese cannot but feel that war, with such an object, must end in their general desolation;—and could it but reach them, that even the Minister had, in argument, seemed to limit his views only to this—there is surely no inhabitant of the Peninsula who ought not most anxiously to desire the speedy removal of the British army. If we are only pro-

tracting the contest for a season, until the whole of the territory of the Allies shall be wasted, and an immense accumulation be added to our debt, we cannot too soon return to our own shores, and wait the coming of the enemy.—But the folly of limiting our exertions to mere self-defence must be evident. Let us recollect, that we are not now at war to restore, or protect, any particular dynasty—to dictate a constitution to another people—nor to prevent their procuring for themselves that liberty, and those privileges, which we never should have fogotten our ancestors obtained by the sword. Of this we might have been accused in 1793. We have since lived to see Europe in chains, and our own subjugation threatened. It is for this we arm. The moment is then one, not suited to dilatoriness or irresolution. We must have no half-measures. The most anxious hitherto for peace—the least sanguine as to the fortunate issue of a continental war, now avow, that "the moment appears to be peculiarly favourable—one which presents new and unexampled facilities, which it is our duty to seize." Let us then not lose so great an opportunity—let us rally under the impression, so eloquently and forcibly expressed by the right honourable gentleman (Mr. Percéval), that "this enthraldrom of Europe is not intended to last for ever—that possibly, in so just and great a cause, we may be pointed out, and intended by Providence, as the humble instruments of deliverance!" But to render ourselves worthy of this high exaltation, we must not slumber on our posts! Why have all our victories hitherto been so unavailing? Because the nation has never put forth its strength. What was the result of the victories of Roleia and Vimiera? The Convention of Cintra. Why? The strength of the enemy. What of the victory of Corunna? Embarkation. What of the victory of Talavera? Retreat, and from apprehension as to the like strength. What of Barrosa? Retreat also! without accomplishing the object of the expedition, the British not being in sufficient force. And even now, when we think ourselves so successful, will Lord Wellington suffer Massena to continue at Salamanca and Leon, or the other French armies in Andalusia? Supposing them to retire, and unite, has he strength prudently to venture into the heart of Spain, and to clear that country of an enemy, whom we scoff at as discomfited and disgraced? Are all our rejoicings to end in this, that Massena, having attempted that for which he appears not to have had suf-

ficient force, has retired from a bad position in Portugal, to his resources in Spain, until it shall be his convenience, with increased numbers, and at a more favourable season, to return? Our past and present circumstances have been compared; that is, our situation now in the Peninsula to what it was in 1808. Where are the Spanish armies of that year? Defeated and dispersed! In whose hands are the fortresses then occupied by the Spaniards? Are they not principally held by the enemy? We have reason now to exult, but at what? That the enemy has not hitherto succeeded in expelling us from Portugal! Our success has "this extent, no more!" But from our present rejoicings, one might be disposed to infer, that we had expected annihilation. Why, in 1809, did Buonaparté withdraw himself and his guards from Spain? Was it not to defeat Austria? and did he not gloriously accomplish the object? Why has the war so long lingered in the Peninsula? Because he has had other views. Is he not now prepared to enter into another continental war, and in another quarter of Europe, should circumstances render it necessary? I am sorry to perceive an anxiety in this country for such a war. We seem alike ignorant of the strength and situation of the enemy, and indifferent to the fate of other nations —eager for revenge, we cry, for blood, reckless of the consequences. It has often been our policy to excite the Continent to war—and when the misfortunes of our Allies, possibly our neglect, had separated them from us, we have immediately had recourse to an envenomed, illiberal abuse —proving ourselves no less powerful in enmity, than unserviceable in friendship. How cruelly have not the Russians been aspersed, against whom the pen even of the learned and the wise has, with little justice and less charity, been directed—whose very virtues, with a shameless ingratitude, have been represented as vices? Having ourselves, in 1807, been mere spectators of the scene, we have since dared to question that merit, which even our common enemy has acknowledged—I say our common enemy, for France is still in heart the enemy of Russia. Should the Emperor Alexander be so ill advised as to break with France at this moment, what are likely to be our occupations? If we do not materially change our system, we shall perhaps advance a little farther into the Peninsula, still with an inadequate force. We shall subsidize Russia, if she will deign to accept—and provided no hitherto undiscovered rock, or

island, attracts our notice, we may send to some point of the Continent, far distant from the scene of action, and late in the war, a corps unequal to effectual impression, but just sufficient to encourage the deluded people, (naturally discontented with the tyranny under which they exist), to rise in arms; and having elated them by our presence abandon them to their fate, after having exhausted their country, and exposed them to the chastisement of an irritated master. How have you been hitherto waging war against Buonaparté? By exhausting your treasury, and discouraging even your own people, by repeated continental failures—you flatter yourselves you are making a great exertion, because incurring an enormous debt; but while, doubtless, you are succeeding in this, do you thereby advance one inch towards limiting the power of France, which if suffered to acquire strength in the rapid manner it has done, will shake your empire to its very foundation? You imagine that you are safe at home—Are you so?—You have indeed challenged the enemy to your coasts, and with little justice and less modesty, have proclaimed him afraid to meet you! You doubt his intentions to invade.—Look to his levies of seamen, and his other naval preparations.—Hear his threats—But you believe the thing to be impracticable. Examine his means, and recollect your own history! Have you not heard from the first Lord of the Admiralty, that the labours of the enemy to complete his navy are incessant, that he has nearly ready for sea sixty-four sail of the line—that, commanding all the naval resources, and most of the ports of Europe, it would be "idle to question his capability of rendering himself formidable as a naval power?" You have frequently experienced the gallantry of the seamen of Holland, France, and Spain, to whom those of Sweden and Denmark do not yield—those of Genoa and Venice have also had their day; why not again? Greece and her islands have hitherto furnished abundance of seamen to the fleets of Turkey and Russia. All, or the greater part of these countries, are under the absolute control of Buonaparté. We have been lately more successful than usual on the Continent, because we have applied more of our physical strength. The enemy has been less so, from not having been able to direct all his energies to one point, as in his former wars. Our success, then, and the enemy's retreat, prove the truth of my position, which is, not that numbers will, and always have been victorious, but that

without a proportionable strength it is impossible to succeed. Such troops as gained the battles of Talavera, Barrosa, and those of Portugal, cannot be too confidently relied upon: but they should not be devoted in small numbers, where their heroism only can be proved; let them be sent forth in armies equal to protect us. The enemy, in his wild insatiable ambition, has chosen to contend on a theatre most disadvantageous to him: he has already been too rash. Had he originally resolved on not advancing until he had first completely subdued and organized the provinces through which he marched—had he never advanced into Portugal until he had conquered the whole of Spain, he would have acted a much more rational part. By his precipitation he has considerably increased his own embarrassments—Spain once subdued, Portugal must have speedily fallen. Buonaparté has hitherto waged successful wars against the corrupt and feeble governments of Europe, who mouldered at his very touch; but he never before was engaged in a contest with a whole people, who have no government to sell or betray them. One district may be held in subjection by the presence of an army; meanwhile the neighbouring province rises. This species of warfare in other times would have exhausted any invading nation. Such a contest, well managed, may yet prove too much even for Buonaparté. There never was a period in the history of this country when the union of political and military knowledge were so necessary, or might be so advantageously exerted in the councils of the nation, as at the present hour, "this important hour," perhaps "the very crisis of our fate." We have reason to feel somewhat of confidence, which we have not had for some time, not so much owing to what we have ourselves achieved, as in consequence of the serious difficulties in which the enemy has involved himself; but we must not believe those who say he will abandon his views in Spain. Such, under his difficulties, might be the conduct of a Bourbon—a legitimate Prince, who might, without risk, retire within his hereditary dominions; but he who has, by his sword, possessed himself of the empire of the West, and is encircled by those he has despoiled, cannot venture to retrograde—he must prove himself invincible, or relinquish every thing. We are checked in all our sanguine expectations, by the apprehensions of the cautious, and the financial calculations of the economical, and every suggestion for opposing an effectual resistance to

the power of France, is met by a reference to the already protracted length, the frequent failures, and burthensome nature of the contest. I am aware of this; but I am convinced, that however unwisely we have hitherto conducted the war, we possess the means to act otherwise; and if it be admitted that we cannot make peace with safety, the war should be carried on with energy, unless we would have the power of Britain crouch to that of France. It is then incumbent on us at length to put forth our strength—if we do not, then indeed will all our former exertions have been rendered wholly unprofitable. I admit our expenditure hitherto to have been immense—unfortunately, in too many instances, profligate and useless! What sums have there not been expended since 1793, on coast and insular expeditions, and on some most wild Continental ones, many of which have not been enumerated! How many millions in subsidies, some of them most objectionable—in foreign levies—home fortifications, quite unnecessary—barracks, and other whims! A small part of these sums would have enabled us to have acted as principals, most formidable too, on the Continent. We have been reminded of the war system of our ancestors; that we should adhere to that, and depend on our navy. It is idle to look for precedents in times quite dissimilar to those in which we live. Our ancestors knew no such dangers as those to which we are exposed. I have lamented the division, and misapplication of our force, and have expressed a wish for concentrated, formidable attacks; for war with energy, not as we have waged it, war with no partial views, but comprehending the interests of the civilized world; war, as the soldiers of a great empire, not as the pirates of a petty state! It is evident from a retrospect of our proceedings since the commencement of the war, that we have never been in sufficient force on the Continent, and on reference to the army estimates of each year, it appears, that we have not employed in our continental expeditions any thing like the *quantum* of force which the military establishments of the country enabled us to employ; that we have never been at the moment, nor at any point, where, supposing success to have attended our arms, we, or our allies, could have essentially benefited; that we have never anticipated, but have always awaited, in stupid gaze, the coming of events; that we have therefore never prepared in due time; that we have seldom had a fixed plan of our own; but have

usually looked to the enemy for our motions; that of such plans as we had devised, and attempted the execution, most of them were conceived in utter ignorance; some accomplished, and others sought to be accomplished, in violation of solemn treaties, and the most sacred principles of the laws of nations! We have lost the finest opportunities! We have exhausted ourselves in a vast variety of insular, and some purely buccaneering expeditions, which have thrown a deceitful colouring of glory on our arms, and which appear to have enriched, while, in fact, they have impoverished the state, and deceived the people with an appearance of security, strength, and prosperity, entirely fictitious. This system has depreciated our military character, called in question our capability and good faith, and afforded an opportunity to the enemy nearly to accomplish his deep-laid scheme of universal empire, while our conquest of the insular world avails us nothing. But this is not the moment for complaint; the past is irretrievable—the future is yet our own! I cannot conceal from the House my conviction, that this contest, sustained in the manner in which we are now carrying it on, cannot fail to terminate fatally. At this moment the efficient force under Lord Wellington is over-rated at 25,000 men. It is also divided, and opposed by superior French armies; these armies, certain soon to obtain considerable reinforcements. What are our views? For the moment we are taking up strong positions on the frontiers, where, at immense loss, we have repulsed the enemy; but the intention, the avowed plan, is to fall back to our position, when the enemy shall have strength to advance in force, and to re-occupy our lines in the neighbourhood of Lisbon, which require 70,000 men to defend. But should our losses continue in the proportion that they have been since the opening of this campaign, and our supplies be as slowly and sparingly furnished as they have been since the commencement of the Peninsular war, the result cannot be problematical, but failure the most complete, inevitable. One cannot hear with patience, after all our boasted facilities and maritime advantages, and the great difficulties under which the enemy carries on his operations in the Peninsula, that at this moment, while we possess a numerous useless cavalry at home, which we could (as it were in a moment) transport to the opposite shores, we are greatly outnumbered even in that arm. One cannot silently bear the merit of such an

enemy decried, after his having overcome all these obstacles, and recently performed some of the most difficult and gallant military achievements, such as the retreat from Santarem, the evacuation of Almeida, with the destruction of that fortress, and the preservation of its garrison; and the undaunted heroism displayed in the late sanguinary battle, where, on the heights of Albuera, the troops of the two most warlike nations of the earth never more distinguished themselves, though victory declared in favour of Britain.—Mr. Hutchinson concluded by moving the following Resolutions:—

"That an humble address be presented to his royal highness the Prince Regent, to assure his Royal Highness of the unfeigned attachment of this House to his person and government, and their undiminished confidence in his wisdom, vigour, and perseverance; the display and exercise of which qualities in the administration of the affairs of the empire can alone, under the blessing of Providence, bring the arduous contest in which they are engaged, to a happy and glorious termination.

"That, called upon as this House has been, to impose many and grievous burdens on a loyal, patient, and affectionate people, they should, nevertheless, fail in their duty towards themselves, his Royal Highness, and their country, if they did not declare their firm conviction, that it is by additional sacrifices alone, and superadded vigour, they can ever hope to bring this war to a safe and honourable conclusion; a war unexampled in its extent and duration, in which they contend not for glory, empire and dominion, but for existence.

"If their efforts have been great, they must be still greater; if their sacrifices have been many, they must be still more numerous. They cannot but recollect, that they arm for the independence of man against embattled Europe—awed by the assumed authority, and subdued by the power of one relentless mind, whose policy, whose ambition, whose hope, is the destruction of this country, and all its proud establishments.

"That anxious as they are to obtain a durable, a safe, and honourable peace, they can see no means of obtaining this inestimable good, but in the vigorous prosecution of the war, in a strict economy of all the remaining resources, in an indissoluble union, by one common interest, of every class of his Majesty's subjects, and in military efforts pro-

portionate to the danger, and limited only by the extent and powers of exertion which are to be found in this empire.

"That, in common with all his Majesty's faithful subjects, they have to lament former failures, and to rejoice at present successes.

"That, in this protracted warfare, much has occurred to instruct ignorance, and chastise presumption—and a great deal to inspire hope and future confidence. That if something has been done, much remains to be performed—which can never be accomplished without the most stedfast regard and attention to those fixed and immutable military principles, without which exertion must be useless, and courage itself unavailing."

The Chancellor of the Exchequer began by stating that the hon. gentleman had misunderstood him in supposing that he meant to speak contemptuously of the military power of France. When he talked of the military character being lowered, he only meant that it had fallen somewhat from that extraordinary and unnatural height to which it had before risen, and seemed to be approaching to its natural level. As to the charge of the exertions of Lord Wellington being starved by want of support from Ministers, he would rather that it should be conceived that their exertions were too contracted, than that they had been too lavish of the blood and treasure of the country. He was however sure, that Lord Wellington was not of opinion that he was too weak last winter to attack the French with any chance of success. Lord Wellington knew well the value of the treasure that was confided to him in the army he commanded, and therefore did not wish to risk it when he calculated on obtaining his objects without that risk or sacrifice. Lord Wellington knew that the country had resources to aid him when he should call for them; and although they did not arrive so soon as could be wished, yet these men were on ship-board as soon after the succours were demanded as they could be marched to the vessels. Gentlemen might, in their closets, suppose it was very easy to send armies of 100,000 to the Continent; but it must be considered, that if the means of supporting and maintaining such armies are wanting, it is not increasing the force of an army merely to add to its numbers. On the contrary, making such exertions as the country was not able to maintain, would be a sure way to exhaust the means of

making the regular exertions which would be necessary in a contest of which no man could foresee the duration or termination. He supposed the honourable member had only taken that opportunity to record his opinions on the subject, and that, having taken it, he would, perhaps, not wish to press his motion.

Mr. Hutchinson shortly replied, and gave it as his decided opinion, that unless there was a Northern war, we should be driven out of the Peninsula before Parliament met again, unless more vigorous measures were pursued.

The motion was then put, and negatived without a division.

THE REGENCY.

Mr. Whitbread began by stating, that if at this late period of the session he had any hopes of a fuller attendance of members by postponing his motion, he should not now press it. He had, very early in the discussion on the Regency Bill, called upon the right hon. gentleman to state whether it was his intention to propose any measure to secure the country from the recurrence of such delays and inconveniences again, in case at any future time there should be an incapacity on the part of the Crown. As the right hon gentleman did not think proper to propose such security for the future, he had pledged himself to bring the subject forward in the course of the present Session, and he should, therefore, now shortly state such observations as occurred to him. We must recollect, that an event might happen (of which, thank God, there was no immediate probability), but as all men are mortal, it might happen that the Prince Regent himself might die during the incapacity of the King, and what would be the situation of the country in such a case? The heir to the throne is a minor; the next heir is his royal highness the Duke of York, now Commander in Chief of the Army. He hoped that it would not be supposed that he meant to insinuate that his Royal Highness was in the least degree deficient in the dutiful affection due to the Regent, or his family. As it, however, had been always said in the discussions on the Regency Bill, that the provisions must be general for a prince, and not for the Prince; so when he mentioned the circumstance of an heiress to the Crown being a minor, he only meant to shew that it was possible that cases might occur, and that it would be very easy to suppose those cases, where the

most serious inconveniences might result to the nation from there being no fixed course pointed out for supplying the deficiency of the Executive Power. When he had asked, why, after the many severe indispositions with which his Majesty had been before afflicted, some Parliamentary provision should not have been made to guard the nation against the recurrence of such inconvenience; he had been answered, that there were great difficulties in the way of it. He thought, however, that merely to say again that there were difficulties, would not be a satisfactory answer to the House, and to the country, for not doing now that which ought to have been done a long time ago. He could not avoid stating, that the House and the country appeared to have been deceived about the state of his Majesty's health ever since the beginning of the session. The first day of the session the House was told, that there was a great probability of his Majesty's immediate recovery. This was repeated week after week, and day after day. When the Regency Bill was pending in Parliament, it was said, both in that House and out of it, that the Bill would never pass, for that his Majesty was on the point of re-assuming his Royal functions. Since that time the public had been kept in the dark respecting his Majesty's health, by a succession of enigmatical, inconclusive, and delusive accounts, called *bulletins*. This deception had gone on so far, that folly itself could no longer believe that a man was perpetually advancing to recovery, without ever reaching it. There was now a public rumour, that the physicians had differed respecting the probability of recovery, and that great differences of opinion had also taken place among the members of her Majesty's Council. These were grounds in his opinion sufficient for the House to demand an examination of their own before the session was closed. What were they to think of the last bulletin, "that his Majesty's disorder had received a fresh accession, but was not increasing?" Did that account give them any information as to the state of his Majesty's disorder, or could they learn by it whether he was now better or worse than he was on the 25th of last October? If his Majesty should soon be declared well, and re-assume the power, and afterwards relapse, Parliament must begin *de novo* with another Regency Bill; and this might possibly happen even in the limited period that Ministers had marked for the duration of the present Bill. If his Majesty should resume his

power, there is an end of the present Bill; and if he should afterwards relapse, there must be another Bill. If there had been a majority in the Queen's Council, and his Majesty had been declared well, all this inconvenience must have happened, as a relapse has already taken place. He concluded by moving, that this House should fix some day next week for considering the state of the nation with respect to this subject. He should move that Thursday next the House should resolve itself into such a Committee.

The Chancellor of the Exchequer said, he could not approve of any fixed rule being laid down to govern all future cases, and considered that Parliament should be left free and unfettered, to regulate every particular case which might occur, according to its peculiar circumstances. He could very easily conceive that cases might in future occur, in which Parliament might think proper to exercise a very different judgment, both about the person to whom the Regency should be entrusted, and with respect to the powers which were to be given. Whenever the event should occur that the honourable gentleman alluded to, Parliament would be the proper judge of the manner in which the deficiency of the Executive was to be supplied; and as to the present year, there could be no doubt but that the labours of the present Parliament on the subject would diminish very much the difficulty of passing another Regency Bill, if it should be necessary. As to the reports which the honourable gentleman had mentioned of differences of opinion between the Members of the Queen's Council, he could assure the honourable gentleman, that such reports had never reached his ears, nor did he believe that there was any material difference of opinion among his Majesty's Physicians. The Bill now in force provided expressly, that Parliament should soon meet again, if his Majesty should re-assume his power; and the only permanent measure to which he could possibly give his assent, would be some provision for the meeting of Parliament very shortly after the Royal incapacity should be once declared. When Parliament was once assembled, it was for them in their wisdom to decide upon the best means of supplying the deficiency in the Executive Power.

Mr. B. Bathurst thought it perfectly proper that some expedient should be devised to secure the House from a repetition of the inconveniencies which it had already felt: but the present was not the time he would have chosen.

Mr. Canning could not altogether approve or disapprove of the motion. The great difficulty which hung upon the House in the beginning of the Session, was, the question of form; the mode in which they should set about supplying the deficiency of the Executive. The delay was on the form, and that form ought to be settled as soon as it could be done with propriety. All that was afterwards to be arranged, was the designation of the Regent, and the limitations of his authority. He thought that the mode adopted in 1788, of setting the Great Seal in motion by the act of the two Houses, was the one most fit for adoption, and that some expression on this point should be determined. But when the House was urged to make a provision for a crisis which turned on circumstances beyond the power of the House to ascertain, he must think that the motion was injudicious. If the House acceded to the motion before them, and defined the nature of the Regency in future, they must either call on the Prince to sanction restrictions in the face of his own declared opinion, or they must leave future Regents free of all restrictions, and throw a slight on the present one. If any thing ought to be defined, it was merely the mode of proceeding to supply the deficiency of the Executive: but even that had better be deferred until the throne was filled by the King restored to health, or by the lawful successor, who was fixed in possession fully, peaceably, and permanently.

Mr. Whitbread replied briefly. The right honourable gentleman had disclaimed any knowledge of the fact, that the Queen's Council divided on the fitness of the King for office; but nothing short of a positive denial should make the statement disbelieved by him (Mr. Whitbread). The equal division of the Council, and the very names of the voters, were given to the public; all this tended to make the fact most probable. He intended in the Committee to propose something of this kind, and next an examination of the Physicians. The third object would have been to make the Bill attach immediately on the relapse of the King.

The House then divided:—

For the Motion	22
Against it	94
Majority	72

The House went into a Committee of Supply, in which the following sums were voted:—To the Veterinary College, 1,000*l.*; for the maintenance of the Poor Clergy, 100,000*l.*; for works at the Marshalsea Prison, 4,500*l.*

Adjourned.

HOUSE OF LORDS.

TUESDAY, JUNE 11.

DISTILLERIES.

Earl Bathurst moved the second reading of the Irish Duties and Drawbacks Bill.

The Earl of Lauderdale expressed his astonishment that the noble Earl had not given some explanation on the subject of this Bill, containing, as it did, a clause ruinous to the Distilleries of this country.

Earl Bathurst contended, that the noble Earl's objection only applying to a particular clause, the time for discussing it was in the Committee, and that to the principle of the Bill there could be no objection, its object being the annual continuation of the Irish Duties, which would expire on the 5th of July.

The Earl of Lauderdale recurred to what he had stated on a former day, on the clause relative to the Drawback on Spirits exported from Ireland to Great Britain, and observed that by the operation of this clause, the Irish distiller would be actually enabled to land his spirits in London at an expence amounting to 10*d.* less per gallon than the prime cost of a gallon of spirits manufactured here. It was evident, therefore, that the distillers in Great Britain would be thus rendered wholly unable to sell their spirits, and must suspend the working of their distilleries. He was aware that the Government, conscious of the evil which would thus be inflicted, had prepared another Bill, which was now in the House of Commons, and the object of which was to suspend the drawbacks in England and Scotland until the next Session; but this also would be a great evil, as the distillers, particularly in Scotland, had not capital enough to go on under such circumstances. His object, therefore, was to postpone the second reading of this Bill, until the other came up from the Commons, that they might have both Bills before them—and with that

view he moved to postpone the second reading till this day se'nnight.

Earl Bathurst observed, that if the clause now objected to was not agreed to, the Irish distiller would, as the law now stood, be entitled to a greater drawback than he would under this clause, and the evil complained of would of course be the greater. He thought the proper time for discussing the remedy for the evil would be when the other Bill came up from the Commons, and therefore objected to delaying the progress of the present Bill.

The Earl of Rosslyn supported the argument of the Earl of Lauderdale.

The Earl of Liverpool objected to the postponement of the Bill.

Earl Spencer thought they ought to have the other Bill before them, previous to proceeding on the present Bill.

The House divided on the question, that the word "now" stand part of the question.

Contents		22
Proxies		32
		—54
Not Contents		20
Proxies		21
		—41
Majority		13

The Bill was read a second time, and committed for Thursday.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, JUNE 11.

PARLIAMENTARY REFORM.

Mr. Whitbread presented a Petition from the county of Kent, for Parliamentary Reform.

The Petition was brought up and read. It purported to be signed by the inhabitants assembled in County Meeting, and contained a detail of various grievances proceeding

from the imperfection and inadequacy of the representation of the people, and prayed that that honourable House would take the subject into its serious consideration.

Mr. Whitbread moved that the Petition do lie on the table, and stated, that he heartily concurred in the object of the prayer, and that his opinion was as strong as it had ever been, confirmed, not weakened by reflection and experience, that there was no chance of salvation to the political interests of the country, except through a Reform in Parliament.

Sir Edward Knatchbull asserted, that many freeholders had been precluded from attending the Meeting. He was present himself, and could say that the report of the proceedings was extremely correct—although the Meeting, however, was large and respectable, he did not know that it was legal, and he did not conceive that it spoke the sense of the majority of the freeholders of the county.

Mr. Calcraft observed, that the Meeting was one of the inhabitants, not the freeholders exclusively, of the county of Kent; and on this account he had himself felt some scruple at attending, in consequence of his not being a resident in the county. He had read the report of the proceedings, and in it he conceived there were some excellent speeches in favour of Reform, and others, as he conceived, not so excellent, against it. In looking at the signatures to the Petition, he saw also the names of many, to his own knowledge, most respectable persons, and was satisfied that the prevailing sentiment in the county accorded with his own, that a Reform was essential to the best interests of the country.

Mr. Brand declared himself happy to see this Petition presented to the House, because it sought for a constitutional object in a constitutional manner, and was drawn up in the most proper and decorous language. These were the true means of recovering for the people their undoubted rights. Much difference of opinion had unquestionably prevailed among those who were the most anxious for the accomplishment of this great end; but he could say, that any difference which might have occurred between him and others on this subject arose from his having modelled his ideas by the standard of the history of the Constitution, rather than by any theoretical doctrines of original or pri-

mitive rights. If, however, the sense of the counties and the opinions of the inhabitants of the kingdom at large was not so decisive and unequivocal as he believed it to be in favour of Parliamentary Reform, still he conceived it to be the bounden duty of the House, when a great evil was pointed out, the existence of which was not to be disputed, to take measures for its removal. *(Hear! hear!)* It was their duty, whether petitioned or not by the people, to do what was no less necessary to their own honour than the people's rights. He was filled with a conviction that a Reform was indispensable, and that the future prosperity of the empire was deeply involved in its adoption. He had risen, however, principally for the purpose of mentioning the circumstances that had induced him to decline pressing the motion of which he had given notice, this Session already approaching to a close. He was aware that it was often and justly said, that the duty of a Member of Parliament was paramount to every other; but a duty he conceived likewise to be of a very imperious nature, had compelled him to be recently absent for a considerable time. At a period when, by the military regulations and institutions of Parliament (and he begged to be understood as not censuring them), the whole population of the country must in twelve years pass under military law, it appeared to be incumbent on all country gentlemen to direct their attention to this subject, so far as it lay within the sphere of their influence. This it was which had lately called him from his Parliamentary duties. It was now evidently too late in the Session to do justice either to the subject or to the House, in bringing forward his motion, but early in the next it was his intention so to do. *(Hear! hear!)*

Mr. W. Smith said every day's experience contributed to strengthen the opinion he had always entertained of the vast importance and the absolute necessity of Reform, and he had to express his regret that no motion on this subject was to be submitted to the House this Session. He could not perceive the weight of the honourable Baronet's (Sir E. Knatchbull) observation as to the absence of many freeholders from the County Meeting in Kent. The freeholders might be said to be already represented, at least in a degree, and it was therefore proper to convene the inhabitants as those were peculiarly interested.

The Marquis of Tavistock professed his hearty concur-

rence in the prevalent desire for a Reform of the representation. He believed that what dissatisfaction existed in the minds of the people, was to be attributed to the want of that Reform. He rose, however, now to give notice, that early in the next Session he intended to move for leave to bring in a Bill to prevent the enormous expences of contested elections. *(Hear!)* If he should be so happy as to succeed in this object, he should then move for a repeal of the Septennial Act. *(Hear! hear!)*

Mr. Wortley observed that these Petitions were presented periodically; but he always had remarked, that as soon as the people saw into what hands the cause usually fell, they became indifferent about it.

Sir John Newport begged to recall to the honourable gentleman's memory the name of Sir George Savile, who, throughout his long and useful life, had uniformly been the strenuous advocate of Reform. He would at the same time remind him of another right honourable gentleman, who had declared Reform to be essential to the preservation of the Constitution, and whose subsequent power, and whose influence, were built on that early declaration. Those were among the persons therefore, who, in the honourable gentleman's opinion, were of that character which induced the public, on finding the cause supported by them, to abandon it. Was there not a different way of accounting for these periodical applications, by ascribing them to the occasional exposure of particular transactions? *(Hear!)* It was his firm conviction, that nothing short of Reform, and the exercise of a principle of renovation on the part of the House, could reconcile the people to the growing burdens of the country.

Mr. Lushington said a few words, which were scarcely audible in the gallery; but we understood him to say that the sentiments of the people of the county of Kent were as generally in favour of Reform as had been said.

Mr. Whitbread said, that he knew the Petition to have been subscribed by numerous and most respectable signatures. An honourable Baronet had said that the Meeting had not been legally convened. The Meeting had been convened by the Sheriff, and was of course legal. The honourable Baronet had spoken of the newspaper report, and allowed it to have been full, fair, and perfectly correct. Now there was a part of that report, which he (Mr. Whit-

bread) had conceived to have been an error, until he had heard the very candid acknowledgment of the honourable Baronet. The part he alluded to, was, where the honourable Baronet was represented as declaring, in answer to a question of how he voted, that he did not recollect whether he had been in the House or not upon that occasion. *(A laugh.)* An honourable gentleman (Mr. Wortley) had said, that there were periodical fits of Reform. All he could say was, that his fit had been of tolerable long continuance, it had lasted thirty years; and he believed that the fits of many other gentlemen would be found to have been equally obstinate. It had been also said, that the people of this country grew indifferent to the cause of Reform, from seeing into what hands it had fallen. He could not see what grounds there were, either for presuming that indifference on the part of the people, or if it did exist, imputing it to such a cause. In many of his friends who were active and consistent supporters of Reform, he saw no ground for any such apprehension. He could not see in the character or conduct of the honourable Member for Hertfordshire, rooted as that honourable Member was in the esteem and respect of all good men, any reasons to warrant such a conclusion. He saw no reason why a cause should be injured by the support of such men as the noble descendant of the House of Russell, and many other personages who had the greatest interest in the safety and happiness of the country. As to what the honourable Baronet had said respecting the persons of whom the Meeting at Maidstone was composed, the Petition stated expressly that it was from the inhabitants, and not the freeholders merely, therefore it did not require the interference of the honourable Baronet to put the House in possession of what they already knew. He concluded by repeating it as his conviction, that unless there was a Reform there was no salvation for the empire.

Sir Edward Knatchbull said, that whenever there was a Petition before the House, he should, whenever he thought necessary, interfere to offer his sentiments without asking the leave of the honourable gentleman.

SIERRA LEONE.

Mr. William Smith had, on a former evening, moved to rescind an Address to the Prince Regent for certain papers relative to Sierra Leone. It had, however, upon that occasion, been suggested to him, that as an honourable gentle-

man who had moved that Address was not then in the House, and as it could not be ascertained whether or not the Address had been actually presented, that it might be advisable to postpone his motion for rescinding that Address. He had since that period learned that the Address had not been presented; and the honourable mover being now in the House, he should now move that the order for the Address be rescinded, which passed in the affirmative, *nem. con.*

IRISH CONVENTION ACT.

Mr. Hutchinson said, that his object in originally intending to move the repeal of the Irish Convention Act, was to prevent the Irish Government from possessing a right of interference which might prove dangerous to the most valuable right of the subject, that of meeting to petition for redress of grievances. He was at first obliged to postpone his motion, in consequence of the absence of many Irish Members then attending the assizes, and afterwards more frequently, on account of the considerable portion of the weighty business that pre-occupied the House. He had, however, been much pleased to find, that since his notice, the Government, either from some new light upon the subject, or from more consideration and juster views of it, or perhaps from causes that it was unnecessary and might be disorderly in him to mention, but since, be the reason what it might, the Government had not in one instance ventured to act upon it, and had suffered it to remain a dead inoperative letter in the statute-book. He thought he might safely let his motion lie over till the ensuing Session, reserving to himself the unqualified exercise of his discretion then respecting it. The honourable gentleman approved of the conciliatory character of the Duke of Richmond's government in general.

After a few observations between Mr. Wellesley Pole, Mr. Perceval, Mr. Hutchinson, and Sir J. Newport, Mr. Hutchinson rescinded his motion for the present.

IRISH TITHES.

Mr. Parnell rose to make his promised motion respecting Tithes in Ireland. He proved that the general wish in Ireland was for the abolition of the present system of Tithes, by reading the Resolutions of the different County Grand Juries in Ireland and County Meetings, notwithstanding

the active exertions of Government to repress them. In order to estimate the produce and operation of tithes, he began by considering the amount of the population in Ireland, which had been now satisfactorily made out to consist of at least five millions, of which four millions were Dissenters, whether Catholics or others. There were two objects which it was given out, would be affected by the Union; the securing the Protestant Church Establishment, and the amelioration of the internal condition of Ireland. There was a species of contract entered into on that occasion; that, on the one hand, the Catholics would submit to the existing Church Establishment, and on the other hand, a concession was to be made to them of all their constitutional privileges. There was a distinction with regard to the levying of tithes in Ireland; the lower classes could not receive any wages for their labour there as in this country, and they were, therefore, obliged to have some small possession in land to subsist on. The tithes were not levied by those who had a right to them, but by assistants, who were guilty of great oppression. There was another point which he should in future call the attention of the House to, and that was the distinction in the laws relating to tithes between Ireland and England.—A decree of the Spiritual Court was, by an Act of Parliament, held to be conclusive evidence in the Quarter Sessions, so that decrees were obtained without the interference of a jury. Nothing was more easily obtained or more frequent than these decrees for distress. In five counties no fewer than 1,421 were issued in one year. The Tithe Proctors, in addition to the tithe, charged considerable sums to themselves. It was said by a right honourable gentleman opposite (Mr. Pole) that tithes was not the occasion of the grievances of the Irish, but that they originated in the mismanagement of the landlords; and he stated that they generally let their lands by auction, by which means so much rent was paid that the people could not afford to pay tithes. This was absurd. No man would give more rent than he thought he could pay; and if a landlord should let his lands at more than they were worth, he could not recover his rent, so that in the end he would be a loser. There was indeed, however, a great mismanagement of the landlords in Ireland in the selection of their tenants. When lands fell out of lease in possession of a great body of tenants, from an idea of being more secure of their rent, the landlord refused them

and made an election of an individual, by which means the poor people were obliged to make as bad a bargain as possible for their possessions under this tenant. He said that Mr. Pitt, in his speech on the Irish Union, stated that the mode of levying tithes in Ireland was a great practical evil. He should move that early in next session a Committee of the whole House be appointed to inquire into this subject.

Mr. Sheridan seconded the motion. He had long been convinced that the removal of the existing grievances in the levying of tithes was one of the most important measures for the happiness and tranquillity of Ireland.

Mr. Wellesley Pole said, that for many years this had been a subject near and dear to him. It had excited a considerable degree of agitation in many parts of Ireland, and in none more than in the county of which he was the representative. His right honourable friend (Mr. Perceval) would do him the justice to state, that on his entering office he had stated to him that this was an object nearest to his heart, and that he would wish to bring forward some plan if possible. At that time he was told by his right honourable friend that he had bent his mind much to the subject, and consulted many statesmen and lawyers on it, but that he was compelled to say, the deeper he looked into it the more he was satisfied there could be no remedy. Mr. Grattan even never could bring forward any plan to the Irish Parliament which was listened to for a moment.—Tithes, he said, were an original charge on the land, and not to be looked on as a burden on the landlords. The tithes of Ireland were 1*s.* 3*d.* on the land of Lay Impropriators, and 2*s.* 3*d.* on the heads of the Clergy. The people were more oppressed by the Lay Impropriators than by the Clergy. These oppressors were not the Tithe Proctors, but the Tithe Farmers, and for one to the Farmer that belonged to the Clergy, there were ten belonging to Lay Impropriators. Various plans had been proposed for remedying the grievance. One was leases. It was proposed that the Clergy should grant leases for a term certain; but the Lay Impropriators could grant leases, and yet the people suffered more from them than the Clergy. A Bill was attempted to be brought in on this subject, but it was found impossible so to frame it as to avoid fraud. With respect to leases, they would not affect the body of the people. The Curate of his parish rented the tithes of it, and he was informed by him that not fewer than 1930 or 1940 persons paid tithes on it, of

whom only one or two at most could obtain leases. He then went into a long detail of the situation of the Irish peasantry, and appealed to the honourable gentleman (Mr. Parnell) if he himself had not been the first person that set his face against middle-men. The grievance was not the tithes, but the four or five rents which the cultivator of the soil was obliged to pay, from the injudicious way of letting land. It was not known generally, that a number of articles tithable in England, were not so in Ireland. There were no small tithes there; in many parts no tithes were exacted from hay, and in the half of Ireland none from potatoes. In some parts 1*s.* was charged for a whole farm in flax. He then proceeded to comment upon the various plans for altering the mode of paying tithes. Mr. Grattan's plan for valuing tithes, and having a proportion of them paid by the county, was manifestly unjust; and it was impossible to value the tithes at less than the tenth part of the produce of the land, without injustice to the Clergy. That plan had been generally abandoned, as fixing upon the county a parish charge with which it might have nothing to do. The idea of exchanging tithe for land was plausible at first view, but on examination it would be found to be impracticable. Even if the land could be got, the tithes would sell for no more than thirteen years purchase, while the land was at twenty years purchase. The exchange, therefore, would be unjust. Another plan was, that they should be paid by the landlord in the way of land-tax; but this would operate as no relief to the peasantry, who would pay the full amount, or more, as rent. Adverting next to the discontents that had lately prevailed in some counties in Ireland, he read an extract from the Solicitor-General's speech, to shew that the subject of tithes had nothing to do with these discontents. The evil, if it existed at all, had been greatly exaggerated, and the great object was to let the land cultivator see how the matter really stood. If, however, the honourable gentleman would come prepared with any plan next session, that would clearly meet the evil, he should be ready to give it his support; but from all the consideration he had been able to give the matter, to devise such a plan, would require greater ingenuity than he gave any man credit for.

Mr. French supported the motion. In this country the poorer tenant paid nothing. This was all he wished for Ireland.

Mr. Herbert contended, that here the Irish had to com-

plain, not of a breach of the law, but of the law itself, than which, as it existed in Ireland, nothing could be figured more oppressive. Ireland had many evils to complain of, but that of tithes was the chief.

Mr. Tighe was happy to hear that gentlemen on all sides agreed, that in the system of tithes there were many evils which required redress. Even the Irish Secretary of State agreed in this opinion; there were papers on the table which shewed it to be the decided declaration of the people of Ireland, that any modification of the tithes would be better than the present system observed in Ireland; and the question seemed to be, if the House should proceed to a modification of this system, or if they ought to rest satisfied with the mere *ipse dixit* of the Secretary for Ireland on this subject? He, Mr. Tighe, believed, that in a true system of politics, no grievance ever existed for which a remedy was not to be found. The grievance here complained of was, that of the union of an Anglican Church to an Irish state. The question now to be considered was, if at any future period the evils thence complained of might be remedied?—the only alleviations proposed by the right honourable Secretary, were resident clergy, who would have no duty to do; and glebe houses, which must be useless, unless where there were families to put into them. The right of tithes rested on an Act of Parliament; and there was no reason why it should not be changed, as well as the Acts regarding crown rents and quit rents, which had undergone alteration.

Dr. Duigenan said the Clergy only got according to the goodness of the crop, which was a more equitable mode of proceeding than that of the landlord, who insisted on having his rent whether the crop succeeded or not. The conspirators, along with O'Connor and Emmett, had been known to declare, that the people would not be at all relieved by the abolition of tithes, which would only go to increase the rents of the landlord. He denied that the proportion of Protestants and Roman Catholics was at all as had been represented. Instead of the Roman Catholics amounting to five millions, he contended that they did not amount to above half that number.

General Mathew declared, that he never had any idea of dispossessing the present proprietors of tithes, without seeing that they received a perfect and complete equivalent. The right honourable and learned Doctor had been pleased greatly to under-rate the population of Ireland; but he

(General Mathew) would venture to assert, that the next census would exceed five millions of people. The Secretary of State, too, had asserted, what would almost induce him (General Mathew) to say he knew nothing of the country, at least greatly to doubt that he was acquainted with the wishes either of the people or of the Clergy. The plan which he (General Mathew) would propose, and which, he was satisfied, would be agreeable not only to the Irish Clergy, but to the Irish people, would be, that the Clergy should be paid from the treasury, by the sale of the clerical lands; and if any thing in addition was required, then, he submitted, that there could be nothing so simple as to raise the remainder by an acreable tax on the lands over which there was at present a right of tithe. The sum thus allowed, he should propose, should average the tithe for the last three years, and, that there might be no complaints, that the valuation should be revised every twenty-one years. If such a system were adopted, then would the bone of contention, which at present exists in Ireland, be withdrawn, and Ireland would become a mine of wealth to England, instead of being a burden upon her, as she had been said to be by the honourable Member for Corfe Castle (Mr. Bankes). This honourable Member, who had made it his study on all occasions to speak most contemptuously of Ireland, had, however, only shewn his ignorance on this occasion.

The Speaker here called the honourable General to order.

General Mathew was happy, however, that the honourable Member had met with a just rebuke, not only from the Irish Chancellor of the Exchequer, but from the English Chancellor of the Exchequer also.

The Speaker again interfered, begging of the honourable General to spare such remarks, as by the rules of the House they were forbidden.

General Mathew again expressed his pleasure at the check the honourable Member had received.

The Speaker asked if it was the pleasure of the House that the orders should be acted up to? [This being answered by calls of Chair, Chair, from every part of the House—the Speaker then informed the honourable General, that by the usage of the House, such reflections as he had made were forbidden; on which the honourable Member sat down.]

Mr. Bankes declared it had never been his practice or his inclination to talk disrespectfully of an individual, still less

of a whole nation. He had looked into the financial situation of Ireland; and it was a thorough conviction of the dilapidated state of its finances which had induced him to make the observations which had given offence to the hon. General. His experience since that time, however, had confirmed rather than removed the impressions he then felt. As to the honourable Member, he had always felt and expressed himself towards him with respect. As to the affairs of Ireland, it would be to the advantage of that country, if other gentlemen belonging to England had attended to them as he (Mr. Bankes) had done.

General Mathew declared himself satisfied with the explanation.

The Speaker said, it was for the honourable General to have explained.

General Mathew thought he had already done so.

Sir John Newport was satisfied that what had latterly fallen from his honourable friend (General Mathew) proceeded from misconception. The honourable gentleman (Mr. Bankes) had evinced himself a great friend to Ireland in exposing the erroneous view of the collection, and of the revenues of that country.

Sir John Newport made an able speech, and was followed on the same side by Mr. Abercrombie, Mr. W. Smith, Mr. P. Moore, and Mr. Parnell, in support of the motion. After which the House divided—

Ayes - - - -	29
Noes - - - -	54
Majority against it -	25

Mr. Perceval moved for leave to bring in a Bill to prevent the counterfeiting Bank Tokens, as well those already issued at *5s. 6d.* as those about to be issued at *3s.* and *1s. 6d.*

The Bill was afterwards brought up and read a first time. Adjourned.

HOUSE OF LORDS.

WEDNESDAY, JUNE 12.

The Committee of Privileges on the Berkeley Peerage sat from half-past one o'clock till nearly half-past eight. The evidence on the part of the Claimant was closed, with the

exception of Mrs. Turner, sister to the Countess of Berkeley, whom Mr. Serjeant Best stated to be in America, and requested that the further consideration of the claims might be postponed till the next Session, upon an engagement on the part of the Claimant, then to produce her as a witness. This was objected to by the Solicitor-General; but the consideration of the question was not entered into by the Committee, it being agreed that the Solicitor-General should call the further witnesses who were in attendance on the part of the youngest son. These witnesses were therefore examined; and some letters from the Earl of Berkeley were given in evidence. The further proceeding of the Committee was appointed for to-morrow at half-past one o'clock, when a witness is to be examined, whom the counsel for the Claimant declined calling. It was also suggested by Lord Redesdale, that it was material their Lordships should be in possession of the evidence of a certain noble Lord, a Member of the House.

The Reports of the Insolvent Debtors' Bills were ordered to be received to-morrow.

The Naval Arsenals Bill, the Irish Elections Bill, and the Glass Duty Bill, were read a second time, and committed for to-morrow.

The Assessed Taxes Exemptions Bill, and the Exchequer-bills Bill passed through the Committees, and were reported.

The Militia Bills, the Indemnity Bill, the Lord Lieutenant of Ireland's Salary Bill, the Irish Stage Coaches Bill, and the Temple-Bar Improvement Bill, were brought up from the Commons by Mr. Lushington, Sir J. Shaw, and other Members, and read a first time.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, JUNE 12.

JOURNEYMEN TAILORS.

Mr. Lockhart rose, pursuant to his notice, to call the attention of the House to the state of the trade among the the Journeymen Tailors within the Bills of Mortality. He stated that there were upwards of 24,000 Journeymen Tailors within the Bills of Mortality, and that of these there

were, upon a moderate average, 4,000 in combination; that they had among them at all times a large fund of money, and all counsel they could think necessary. He stated also, that they were most active not only in carrying their own combinations into effect, but in co-operating with and maintaining those of other trades, more especially the Calico-Weavers. The honourable gentleman then proceeded to shew in detail the activity and extent of those combinations, and the urgent necessity there was for legislative interference to put a stop to them. He concluded by moving that a Select Committee be appointed to take into consideration the present state of the trade among the Journeymen Tailors within the Bills of Mortality, their Wages and Combinations, &c.

Sir T. Turton did not approve of the existing laws, but thought that no additional restrictive statutes should be enacted against the Journeymen Tailors.

The motion was then agreed to.

PAY OF NAVAL OFFICERS ON FOREIGN STATIONS.

Captain Bennet renewed his motion upon this subject, for the purpose of putting the pay of the Naval Officers on foreign stations on the same footing as that of the Officers of the Army on those stations. He repeated his former arguments, the chief of which was, that the Officers lost by the rate of foreign exchange on an average of from 35 to 40 per cent. He concluded with moving for a Committee.

Mr. Yorke replied, that no new argument had been brought forward by the honourable Member, and that all those they had now heard had not been thought sufficient on a former occasion.

General Tarleton seconded the motion.

Mr. Lyttleton thought the present a question of justice, and not of expediency—and as a question of strict and absolute justice, he thought the Naval Officers suffered severely, by not having their pay assimilated to the mode of paying the Officers of the Army on those stations.

Mr. Whitbread said, the right honourable gentleman opposite (Mr. Yorke) had urged as a reason against the present motion, that officers never shewed any indisposition to go to the Mediterranean—nay, that they even canvassed to go there. That he did not the least doubt—he supposed the same thing would happen were they even to lose their whole pay by it—wherever danger called them, there they

would go. The House ought surely to take the case of the Officers of the Navy into consideration, by going into a Committee; and if it should then be found inexpedient to make any alteration in the present system, the Navy would be much better satisfied than if no such inquiry were to take place. Says the right honourable gentleman, we must not depart from old rules—we must not leave off old customs—there is no saying where that will lead. (*A laugh.*) If the present Treasurer of the Navy and Lord Melville, by whom many excellent regulations were introduced, had thought so—had stuck to old rules and old customs, this excellent regulation would never have taken place. He saw from the memorial on the table, that this rule, however, had been departed from in the glorious and fortunate expedition to the Scheldt. (*A laugh.*) He should be glad to know why the Officers on that expedition were relieved, while relief was refused to those on the Mediterranean station. He saw a right honourable gentleman (Mr. Rose, we believe) preparing to follow him—he hoped he would spare him, as he was better armed than he was, and that he would not trample him down.—(*A laugh.*)

Mr. Rose said he had stated a month ago several reasons why the present motion could not be agreed to. The alteration proposed would be found extremely difficult in execution. It would be found very difficult to ascertain what was the rate of exchange at every place, and every time when a bill was drawn. The reason why a different course was adopted with the officers on the Scheldt expedition was, that they had no other means of drawing their pay. With respect to the difficulty, he knew, for example, that bills from the West Indies had been frequently drawn at one exchange, when the real exchange was very different. He did not oppose this motion from mere motives of economy. It was well known he had acceded to a measure which affected the revenue ten times more than the present would, the allowing wine to the Officers of the Navy duty-free.

Mr. Bastard thought that it was very hard that the Officer should be not only receiving, by the unfavourable exchange, a great deal less than his pay, but also paying Income Tax on his pay.

Mr. Lyttleton explained.

Lord Cochrane could not see any greater difficulty in paying the Officers of the Navy abroad, than in paying the Army.—With respect to the difficulty of ascertaining the

rate of exchange at every place, where officers could draw, there were Consuls, or other persons of the same description, who could certify what the exchange really was. The Officers on the Gibraltar station were twenty-five per cent. out of pocket. It frequently happened that an officer was unable, from this loss, to buy sufficient quantity of necessaries to last the proper time.

Sir Charles Pole did not believe the Act of the 35th of the King, of benefit, though this was generally believed. On the contrary, he believed its tendency was to encourage desertion. He should move an amendment to the present motion, that a Committee be appointed to inquire into the pay of the whole Navy.

Admiral Harvey seconded the motion.

Lord Cochrane said an increase of pay to the seamen in the Navy would be of little advantage to them, so long as the present system continued. He had in his hands a list of ships of war in the East Indies. The Centurion had been there eleven years—the Rattlesnake, fourteen years, came home the other day, with only one man of the first crew—the Fox frigate, under the command of his brother, had been there fifteen years—the Sceptre eight years—the Albatross, twelve, &c. Not one farthing of pay had been given all that period to all those men. He had made a calculation on the Fox frigate, and, supposing only 100 of the men returned, there would be due 25,000*l.* to the crew, not including the officers.—What became of these sums all the while? The interest ought to be accounted for to Government or to the seamen themselves. The Wilhelmina had been ten years, the Russel seven years, the Drake six years, of which the men would be exiles from England for ever, and another vessel forty years. Nothing would be of greater service than the frequently changing the stations of ships, which might be done without any inconvenience, and even with much advantage to the East-India Company's ships. The seamen, he said, from the want of their pay, had no means of getting many necessaries of the utmost consequence to their health and comfort. The seamen drew less prize-money under the existing Acts than formerly. He instanced a vessel, the proceeds of which came to 355*l.*; by the present mode of distribution, the seamen would receive 13*s.* 5½*d.*; by the old mode he would have received 15*s.* 1½*d.* From the officers' share there was deducted in all 75 per cent. allowing only ten per cent. for

the Prize Courts. The Minister had exultingly asked, what was become of the commerce of France? But he would undertake to shew him, before he was forty-eight hours on the coast of France, at least 200 sail of the enemy's vessels. If they were to pay more liberally the Judges of the Admiralty Courts, and operate a proper reformation in them, he would undertake to say that they might score off at least one-third of the present ships of the Navy. Ministers said there were no vessels on the coast of France; but he said there were; and if they would go with him, he would shew them how they could be got at. He rather thought that the inattention of the Government to the profligate waste of the public money, arose from their unwillingness to believe any thing contrary to their own crude notions on these subjects. He stated, and he begged the House to attend to it, for it was as important as the subject of Mrs. Clarke, that in the reign of James the Second the pay of a Captain of a first rate was 80*l.* more than at present. King William, when he came over with his Dutch troops, whom he was much more anxious to attend to than he was to attend to his subjects here, took up his pen and cut off one half of the pay. So much for foreign troops—but still, taking the advance of prices into view, King William left it far better than it was now. His lordship then again called the attention of the House to the extent in which the French coasting trade was carried on, and observed, that it could not be checked, unless greater encouragement was given to the Captains. If he commanded a ship on the coast of France, by keeping at a good distance he might go to sleep; but in order to intercept these coasting vessels, the Captain must be on deck watching all night. But it was impossible they could do this, merely to put money in the pockets of those who practised in the Admiralty Court. They were certainly not worse than other men: there were many valuable officers stationed on the coast of France; but they were men, and would be actuated by the feelings of men.

Mr. Yorke did not think it proper to enter upon so large a question, at this late period of the session, as the pay of the Navy, and would therefore propose to negative the honourable Admiral's (Pole) amendment, with a view to divide the House afterwards on the main question. He admitted that, unless under peculiar circumstances, vessels ought not to be long kept on foreign stations; and in consequence of our late successes in the East, all those whom

the noble Lord had mentioned, and others, were ordered home.

The House, after negativing the amendment, divided on the original question.

For the motion - - - -	14
Against it - - - - -	54
Majority - -	40

DRAKARD AND COLLYER.

Lord Folkestone rose to make his promised motion for the production of the criminal informations against Messrs. Drakard and Collyer for libels, and he was happy that at length he was enabled to do so while the Attorney-General was in his place. The sentence that had been passed upon those men appeared to him to be of a most cruel and severe kind—and he would shortly state the circumstances of the prosecutions to the House, which he thought would abundantly prove that he was correct in his designation of the punishment. The libel for which Mr. Drakard had been prosecuted appeared first in his own paper, *The Stamford News*, from which it had been copied by a London newspaper. Against the Editor of this latter paper a criminal information had been filed by the Attorney-General. The matter came on for trial at Westminster Hall, and the accused had been acquitted by the Jury. It was not his intention to go into the details of the prosecution against Mr. Drakard at the present time—but from the complaint that had been made, that there were persons who wished to overturn all establishments, and especially the judicial establishments, he should have thought it politic not to try a man for such an undefined offence as that of libel, when another who had published the same libel had been acquitted. These, however, it appeared, were motives which did not actuate the Law Officers of the Crown, and Mr. Drakard was tried at the assizes, and found guilty. At the trial he had been charged not only by the Lawyers against him, but by the Judge on the Bench, with partiality to France and a desire of exalting the advantages of the Government of that country in comparison with that of England. When Mr. Drakard was brought up for judgment, therefore, he produced an affidavit, containing various extracts from his paper, disproving in the most convincing manner this charge; and shewing that so far from being actuated by

any favour to the Government of France, he had on many occasions written with the utmost earnestness against the mode of government which prevailed in that country. It was most extraordinary, however, that these extracts, which were a complete answer to charges alledged at the trial as an aggravation of the libel, should at the time of pronouncing sentence be held out as an aggravation—(*Hear! hear!*)—and that all the advantage Mr. Drakard derived from having refuted the charge of partiality to France was, to be told that it was no excuse for a libel against the Government of this country, to have libelled that of France. The sentence of Mr. Drakard was, that he should be imprisoned eighteen months, fine 200*l.* and give security for his good behaviour for three years. He would not at present consider the nature of the libel, or whether the punishment was at all proportioned to the offence; but he would take it in this light—was it fitting to subject one man to so very severe a punishment for an offence of which another, who had published the same libel, had been acquitted by a Jury of his countrymen? The criminality of a libel, it was said, consisted in its tendency to produce a breach of the peace. One Jury had pronounced that the publication in question had no such tendency—another Jury had decided that it had; but when opinions were so nearly balanced, it was too much, he thought, to inflict a punishment which would have almost been excessive, if all mankind had been agreed that the publication was really criminal. It was on this ground that he called the attention of the House to the case of Mr. Drakard. The other case was, in his opinion, a much more grievous one. It was that of Mr. Collyer, a dyer, at Manchester, who had been surcharged for the Income Tax. He appealed against this surcharge, and being put to his oath before the Commissioners, swore that his income was no more than 160*l.* whereas the charge was for 300*l.* This, however, had only been reduced to 250*l.* which Mr. Collyer conceiving to be unjust, refused to pay. His goods had in consequence been distrained, and a horse and cart had been sold. Mr. Collyer found himself injured by this proceeding in two ways. In the first place, many of his neighbours began to consider him as a man in bad circumstances, and by this means his credit in trade had materially suffered—others again put a very injurious construction on the matter, and were disposed to consider him as a perjured man, the Commissioners having refused to believe him on

oath. He therefore resolved to publish a vindication of his own conduct; but, being an illiterate man, he did not know how to draw it up, and applied to the editor of one of the Manchester papers, Mr. Cowdroy, stating the circumstances, and desiring him to make up a statement and publish it in his paper. This was to be paid for as an advertisement—but Mr. Collyer particularly cautioned Mr. Cowdroy to avoid all libellous matter, or any thing that might bring him into difficulty. The editor promised to do this—and the paper being drawn up, Collyer not being very capable of judging whether it contained improper matter or not, signed his name to it, paid the money, and it was inserted. Some alterations were made in it afterwards, and it was then carried by Mr. Collyer to the editor of another paper in Manchester, who also inserted it. From this it found its way into a London paper—for which Mr. Lovel was now suffering imprisonment for twelve months. An information was filed against Mr. Collyer for this offence—he was convicted and sentenced to twelve months imprisonment. The whole of the circumstances which he had stated, appeared in Court as he had taken them from an affidavit which must have been read there. Suppose the defence of this man had contained offensive matter—still it might have been a question, whether he ought to be prosecuted, when it was considered that his only reason was to do away the injurious impressions among his neighbours that he was a man in low circumstances, or that he had been guilty of perjury—but when it was found that he was really not the author of the libel; that he had even strictly cautioned the person who drew it up not to insert any libellous matter, nor do any thing against law; it was surely an extreme measure of justice to punish him with imprisonment for twelve months. He had on a former occasion stated, that at the Old Bailey, persons convicted of felonies, for which by law their lives were forfeited, were sentenced to imprisonment for one, two, or three months—and yet this man, under such circumstances, had been condemned to a year's imprisonment! He would now, with the leave of the House, read this terrible libel, which had called down so heavy a punishment. [His lordship then read the publication, which has been already before the public.] It appeared then that this offence was really of so slight and trifling a nature, that it was hardly possible even to be angry at it. The Commissioners themselves felt no

resentment; and so little was it thought of, that one of the persons who inserted it was a friend of the Commissioners. They themselves told this man that they had no enmity towards him, that they would do every thing in their power to get him out of the scrape, but that the thing was in the hands of his Majesty's Government; and yet the Attorney-General, knowing all these circumstances, on a former occasion told him (Lord Folkestone) that he had the satisfaction to have prosecuted this man to conviction! He hoped one of the Privy Council, or some person about his Royal Highness the Regent, would represent this case to to him, when he had no doubt, from the generosity of his mind, that he would do in it what was proper. When he and others, thinking the press hardly used, and that there was even a systematic effort to subdue it, had on a former occasion thought it right to bring the subject of informations for libel before the House, he had employed a Solicitor to procure him copies of the informations. The Solicitor found it more convenient to apply to those who were employed for the several parties, than to get them from the office. He got them all, except the case of this man; for, finding that the copy was wanted for Lord Folkestone, the Attorney for the party expressed his fears, lest, if the matter came to the Attorney-General's ears, the punishment should be more severe. He did not mean to say that there was any foundation for this fear; but this shewed the state of intimidation in which the press was placed. By the negligence of the Solicitors, the instructions had not been delivered to the Counsel till a few minutes before Collyer was brought up for judgment. The Counsel therefore applied to the Attorney-General to have the matter put off, when the Attorney-General asked him whether they would answer that Lord Folkestone would not accuse him of not having prosecuted their client? He would ask the Attorney-General whether this was not correct? Did the Attorney-General act differently from what he otherwise would have done, on account of any thing that he (Lord Folkestone) might say? The better way would be to act even upon his own notions of what was right. But he denied that he had ever blamed the Attorney-General for not prosecuting. He had only blamed him for his partiality for having prosecuted those who opposed the politics of Government for smaller offences, while he suffered those who supported the politics of Government to publish the grossest libels with impunity. It

had been ruled by the Court, that even putting a letter in the post-office, containing libellous matter, was a publication. What man, then, would dare to complain of the conduct of men in office even in this way, if a punishment so severe as a year's imprisonment were to be inflicted for offences so slight as that of Collyer? Was he not justified, then, in calling it a most severe and cruel punishment? He concluded by moving for Copies of the Informations against Drakard and Collyer.

The Attorney General hoped, when his conduct was called in question, that the House would indulge him while he gave an account what that conduct had been. He begged the noble Lord not to believe that he could have talked disrespectfully in another place, of any motion made by the noble Lord in that House. He might no doubt have expressed himself in the terms retailed to the noble Lord, and, when an application for delay was moved, might, turning to those near him, have said in an under tone, "what will such a person say, if I consent to any postponement?" He verily believes he had said so, and that, too, just in the way in which he had described it, and that some busy person had thought it worth his while to retail it to the noble Lord. He was satisfied, however, that the noble Lord was incapable of supposing that he could have been actuated in any thing he did by the conduct of the noble Lord in bringing the subject under the consideration of the House, or that he could ever have allowed such a circumstance to act on him in such a way as to cause him to deviate from the line of his duty, which, he was conscious he had never transgressed on any occasion. If the noble Lord could suppose him capable of visiting the offence of any man with greater bitterness because he had communicated with the noble Lord, he did him (the Attorney-General) great injustice. He should feel mortified could he believe that the noble Lord supposed him capable of such a violation of duty. He then proceeded to consider the two cases brought under the consideration of the House by the noble Lord. First, as to the case of Drakard, the noble Lord seemed to conceive that after the Hunts had been acquitted, he (the Attorney-General) ought to have been contented, and should have thought the cause of justice satisfied.—Though there were many unexceptionable answers which might be given to this observation, there was one short one, which he thought was sufficient, and this was,

that the noble Lord must have been misinformed, for the two publications were not alike: Hunt's was not an exact copy of Drakard's, but there were many grossly offensive passages in Drakard's libel which had not found their way into Hunt's publication. He did not agree, however, that the acquittal of Hunt was a sufficient reason for staying the proceedings against Drakard, even had the publications been exactly the same. One would suppose, however, from the statement of the noble Lord, that he (the Attorney-General) hunted down these persons from a pleasure which he took in oppressing them. If he did use the word pleasure when he communicated to the noble Lord the fact of Collyer's having been convicted, his using that expression did not proceed from any pleasure he felt at the circumstance itself, but, simply, from finding that he was correct in what he had stated on a former night, merely on recollection. With the sentence imposed on Drakard he (the Attorney-General) had no concern. For that he could not answer; but at the same time he must say, that it could not at all be affected by the acquittal of Hunt. The Court of King's Bench had to look to all the circumstances of the libel itself, and to apportion the punishment to the enormity of it, without regard to any extraneous circumstances. They were to say, what was a just punishment for the libel as it appeared before them. This they had done, and the noble Lord had not thought proper to enter into an investigation of the libel, for the purpose of shewing that the punishment was disproportionate to the offence. He now came to the case of Collyer; and here the House would please to consider who the persons were against whom the libel was published. They were gentlemen who undertook a laborious and invidious office for the sake of the public; and if they were not to be protected against calumny in the exercise of their duty, the office must remain unexecuted. He did assure the noble Lord, that never in any case had more pains been taken to ascertain what were its real merits, than he had taken in this very case. He had not confined his inquiries to the consideration of the libel, but he had also exerted himself to ascertain if Collyer had any real ground of complaint. Though that would not have operated as an excuse, still he had satisfied himself on this head before he filed an information against him. The libel did not in fact apply to an appeal and oath made by Collyer at the time, but he had gone on withholding part of his income for five

years. So far too, from the Commissioners being satisfied without prosecuting Collyer, it was only on a complaint from them that they could not go on in their office, if the matter was allowed to pass, that he was prosecuted. The two printers were first prosecuted, and the Commissioners agreed to wave the prosecution against them, if the author was given up. This he (the Attorney General) disapproved of, thinking the printer or publisher often as mischievous a character as the author; but he did not think himself warranted in refusing to accede after such an argument had been made. So far, therefore, from originating with him, the prosecution against Collyer had been undertaken at the express desire of the Commissioners themselves. It was to be observed, however, that after the libel in question had been printed by Cowdroy, Collyer himself took it, and paid 15*s.* for giving it still further publicity. That these circumstances must have had some effect with the Court, no man could deny. It was impossible for any dispassionate man to look at the publication, and not to see that it imputed to the Commissioners that they acted from corrupt motives, or from the very worst of passions. These being the circumstances of the two cases alluded to by the noble Lord, he submitted to the House, that there could be no ground for imputing any thing improper to him; certainly there was nothing improper in the Court who had pronounced the sentences in question.

Mr. Whitbread begged to say a few words, not respecting any thing improper on the part of the honourable and learned gentleman (the Attorney-General), who, he had no doubt, had acted most fairly and constitutionally, but simply to make a general observation, that he had remarked for some time that the punishments inflicted on offences of this kind were most exceedingly severe. He had occasion some considerable time ago to present a petition on the part of White and Hart, whose period of imprisonment was now nearly expired. There the imprisonment was for three years; a punishment infinitely beyond what could be supposed adequate to any offence of the kind. He had since heard of another charge of a similar kind, against White; but he hoped, after so long an imprisonment, it would not be persevered in. As to the case of Drakard, he could not judge, not having read the publication; but after one person had been acquitted for a similar publication, he could not but think the punishment allotted to it was severe

indeed. As to Collyer, it was admitted that he was an illiterate man, and that supposing himself injured, he, in a state of irritation, employed another person to write out a statement of his case, desiring him at the same time to guard against every thing libellous. He agreed with the Attorney-General in thinking that the person who composed the libel was the more proper object of punishment. He thought that the Commissioners might have been satisfied with conviction merely, without sentence;—but if sentence was necessary, he was decidedly of opinion that twelve months imprisonment for an offence of the kind, was such an excess of punishment, that it ought to be mitigated in that quarter alone from whence mercy could now flow; an exercise of the prerogative which, he was convinced, would give satisfaction to the public, and to the Attorney-General himself.

Mr. Perceval said, if in the case of the libel published by Drakard, one Jury had acquitted and another had convicted, it was for the Judges, when called on to pronounce sentence on the person convicted, to satisfy their own minds which of the two verdicts had been founded on mistake, and to pass a mild or severe sentence accordingly. If the noble Lord contended that the Court had erred in their judgment on this point, why had he not given the publication to the House? The fact however was, that the publication for which a verdict of acquittal had been obtained, was not a copy of the whole of the publication which another jury had declared to be a libel. As to any application at the Fountain of Mercy, in the case of Collyer, he begged the House to consider what was the nature of that case. It did not depend on the particular words of the publication, but on the mischief likely to be produced by it, and the effect it was calculated to produce on the minds of those against whom it was addressed. It was to be considered that they were persons who served without reward, and that they lived in a populous neighbourhood, whose indignation against them such a publication as the present was peculiarly calculated to excite, they being here held up as persons who felt delight in oppression. The Court could not but have had these circumstances in view; and, influenced by all the merciful considerations which ought to govern their minds, corrected, however, by a regard to what the public service required, they had passed the sen-

tence now complained of. He must therefore oppose the motion.

Mr. W. Smith said, as the present motion only went the length of requiring copies of the informations and judgments in the particular cases alluded to, the question was, whether the noble Lord had here made out a *prima facie* case to warrant such a motion? He was of opinion the noble Lord had made out such a case, and therefore he thought the informations and judgments ought to be produced, for the sake of affording to the House materials on which to build its future opinion.—The Commissioners, who acted gratuitously for the public benefit, he was fully aware, ought to be supported; and if any man libelled them, he ought to be brought to justice; but that ought not, to his mind, to be carried to so violent an extent as in the present instance. There was here an apparent harshness on the part of the administrators of justice; and, though it might not be desirable to seem to doubt of the decisions of our Courts of Law, that did not seem to him to be so detrimental to the public, as that the House should refuse inquiring into the extent and propriety of punishment, when *prima facie* ground was laid for such inquiry.

Mr. Lockhart thought that the positions with which the honourable Member who spoke last had set out, would have led him to a very different conclusion. He could not conceive a more harsh accusation than that contained in the libel against these Commissioners; and to concur in the present motion would be to throw a reflection on the Court, as inferring a doubt at least of the propriety of its judgment, which, he confessed, he saw no reason to question.

Lord Folkestone, in reply, observed, that the honourable and learned gentleman had only urged, in opposition to his motion, that it would tend to throw an imputation on the Court of King's Bench without a sufficient case being made out. He still thought that nothing which had been said by the learned and honourable gentleman diminished the strength of the case he had described; and he had no hesitation in saying it was a case of peculiar hardship and oppression. It had been said, that the Court could only look at the actual libel; but if this was so, what was the nature or purpose of affidavits in mitigation? With respect to the case of Drakard, he certainly was aware of the dis-

tinction between it and the Hunts, arising from an omission of a certain portion of the original libel; but as the counsel for the prosecution had not thought proper to dwell upon the parts omitted, he conceived himself warranted in concluding that they were not peculiarly offensive. The right honourable gentleman (Mr. Perceval) had said, that one libel ought not to excuse another of the same nature; but he apprehended, that as libel was an offence only cognizable by law, as tending to a breach of the peace,—when public opinion, as expressed in the verdict of a jury, had decided that this tendency did not exist, it would have been but just and politic to refrain from trying again the same question in the case of another person.

The question was then put, and negatived without a division.

Adjourned.

HOUSE OF LORDS.

THURSDAY, JUNE 13.

INDICTMENT AGAINST A PEER OF THE REALM.

The Earl of Radnor rose, and stated his intention of moving to-morrow, or some other day more convenient, for the authenticated copy of the Indictment lately found against a noble Peer, for a capital charge.

Lord Ellenborough said, that this was a motion which might, in its consideration, involve some very nice and difficult points. The only precedent he knew on the subject was the case of Lord Audley; but he was indicted singly, whereas in the present case another person was indicted who was not a Peer. He wished, therefore, for a few days, to give their Lordships time for considering whether it would be proper to support or oppose such a motion, which was agreed to.

INSOLVENT DEBTORS BILL.

Lord Ellenborough objected to raising the amount of debt up to which Debtors should be liberated, which was done by this Bill from 200*l.* to 300*l.*

The Earl of Moira defended the principles on which

such Bills were founded, on their humanity and justice; and with much animation and eloquence argued on the impolicy and injustice of our present Debtor and Creditor Laws.

Lord Ellenborough strenuously opposed the clause. A rather warm conversation took place between Lord Ellenborough and the Earl of Moira, when the House divided—For the clause as proposed (viz. 5,000*l.*)

Content	- - -	6
Not-content	- - -	4
Majority for the Clause	-	2

Lord Ellenborough moved an amendment on another clause, whereby a person owing to the amount of 4,000*l.* and having been confined three years, should be entitled to his liberation. He proposed to make it the same as in former bills of that nature; namely, that the term should be five years.

After some observations from the Lord Chancellor, Lord Ellenborough, and the Earl of Moira, the Clause, as proposed, was carried. Some verbal amendments were agreed to, and the Bill was ordered to be engrossed.

The Lord Chancellor observed, that he did not think himself precluded from moving on the third reading an alteration of the amendments then made. He mentioned this to prevent any misunderstanding between him and his noble friend (the Earl of Moira).

The Earl of Moira said, that he was certain no misunderstanding would arise on such subjects between them.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, JUNE 13.

The House went into a Committee on Loveden's Divorce Bill, on which evidence was examined, and Counsel heard.

A message from the Lords declared the Royal Assent to the Exchequer-bills Bill, the Assessed Taxes Bill, and the Salt Warehousing Bill.

MANUFACTURERS.

Colonel Stanley brought up the Report of the Committee which had been appointed to take the Petition of the Manufacturers of Lancashire and Scotland into consideration. The Report stated, that the Committee had fully examined the grievances under which the Manufacturers suffered, and also the expedients which had been proposed for their relief. On mature deliberation, they had determined that the adoption of any of the proposed expedients was impracticable, and fraught with the most pernicious consequences. They considered the proposed grant of pecuniary aid as liable to the strongest objections.

The Report was ordered to lie on the table, and be printed.

ISLAND OF TRINIDAD.

Mr. Marryatt rose to make his promised motion with respect to the administration of justice in the island of Trinidad. He possessed some local knowledge on this subject, and was therefore enabled to give the House some adequate information. In bringing forward his motion, he considered himself pleading for a great proportion of oppressed British subjects in the island to which he had alluded—a subject which he hoped would be properly appreciated by a British House of Commons. The honourable gentleman here went through a history of the first settlement in the Island down to the present time. At first, the Spanish law had been in force there; but upon several representations and petitions from the British subjects, an English Commission was sent out in the person of Mr. Smith, who was quite ignorant at the time of his departure of all the Spanish laws and customs. This gentleman acted in one court as a lawyer, and in another as a judge; and in consequence of the Spanish and British systems being pursued at the same time, the grossest abuses prevailed, and the most inconsistent decrees were passed. Thus Mr. Smith, acting in one court as a lawyer, charged certain fees on the examination of evidence: the charge was refused: an appeal was made to the court above, and immediately Mr. Smith doffed his legal costume, put on his judicial habiliments, and decided in the Appeal Court as a judge, that he was entitled to the fees which he claimed as a lawyer. He did not mean to say any thing invidious of

Mr. Smith, whose conduct was the consequence of the system. This gentleman, in a short time, found that the business so multiplied on him, that to discharge it singly was impossible, and so he called in two Spanish officers of justice to his assistance; and thus three were employed in doing the work of one. Such abuses as these were not the only bad consequences of the present system; it was subversive, not only of the security of property, but of personal liberty. While any offender against Mr. Smith's dignity was severely punished, the offenders against justice were suffered to escape. The case was this: by the Spanish law, no delinquent could be punished unless he confessed his offence, and the justice of his sentence; by the English system, Mr. Smith had no power of enforcing any such confession, and so it was in vain to try where it was impossible to punish. The difference made between the free coloured persons and the whites was most unjust and oppressive. Thus, if a free coloured person cohabited with an Indian, he was punished with 100 stripes for the first offence, and in proportion for every future one. If a free coloured person dared to lift his hand against a white, it was ordered to be cut off! There were several instances of the most flagrant cruelty and injustice exercised towards the negroes. He should state one, which, if doubted, there was then a person in the House by whose testimony it could be substantiated. Several intoxicated officers met a party of negro slaves, men, women, and children, and drew their swords on them; they wounded several, and among others, a young child in the arms of its mother. They were brought to trial; the defence was, that the negroes had no right to be off their master's estate after sun-set, and on such a defence were the delinquents acquitted. Such were the blessed effects of the system of laws now pursued in the island of Trinidad. A prospectus had been transmitted in 1804, by the Attorney-General of the island, to the English Government here, stating that those laws were both oppressive and defective, and agreeable neither to the French nor Spaniards. Indeed it was totally impossible that the British and Spanish systems could be practised with effect together. The honourable gentleman adverted to a trial which had lately taken place between a Mr. Dawson, of Liverpool, and a Mr. Taddy, of Trinidad, in which, from voluminous pleadings required by the Spanish law, the papers were more than filled a large cart; from which the House might form some

judgment of the benefit of the Spanish laws. Trinidad, he said, is one of a cluster of islands, all of which are under the government of Great Britain; and if the laws are not the same in all, it will cause infinite jealousies and disquiets, which must be productive of the most mischievous consequences. Very soon after the arrival of Judge Smith, that learned gentleman certainly had broached doctrines which were never before broached there, nor as he (Mr. Marryatt) believed, any where else: on which the British settlers and inhabitants there petitioned his Majesty, that the British Colonial laws might be extended to Trinidad; but he insisted that such petitions did not contain a word which required the British constitution. He then made several comments on Lord Liverpool's instructions, and observed that his Lordship had concluded by refusing to the petitioners the British constitution, which they had never asked for. The honourable gentleman then proceeded to compare what had been done by the Government of this country in other cases of a similar nature. Jamaica, he said, as Trinidad, had been conquered from Spain. We sent thither our Commissioners—then Governor succeeded Governor; yet all was confusion, and nothing but the judicious measure of introducing the British laws could ever have produced peace and quietness: that introduction, however, was no sooner effected, than the island became uniformly prosperous, peaceable, and happy. It had been the same also in Grenada, where he lived ten years, and had been witness to the good accruing to the inhabitants from the operation of English laws. It appeared to him very strange that his Majesty's present Ministers should persist in retaining the *Audiencias* and all the other tyrannical and oppressive proceedings of the Spanish law; which in all the proclamations of the Caraccas, Mexico, &c. are stated as the chief reasons why the people in those countries are determined to separate themselves from the mother country. He then moved the following Resolution:—

"That it appears to this House to be expedient, for the better security of the liberty and property of his Majesty's subjects in the island of Trinidad, that the administration of justice according to the laws of Spain be abolished, and that the laws of Great Britain be introduced in lieu thereof."

The Resolution being handed to the Chair, the honourable gentleman intimated, that if it were carried, he had

another Resolution with which he meant to follow it up, the purport of which was, for that House to address the Prince Regent to extend his mercy to the inhabitants of Trinidad, by complying with the said Resolution."

The Resolution having then been read from the Chair,

Mr. Brougham rose, and said, it had been his intention when he came into the House, to withhold his sentiments on the present motion, till he heard the opinions of some honourable gentlemen in the support of it, whose judgment, from their more intimate knowledge of the West-India Islands, he thought might be superior to his own; but from the whole of the statement of his honourable friend, he found it so totally defective and unfounded, that on that alone he would not for a moment hesitate to reject the claim he had made. Great stress had been laid by his honourable friend on the appointment of Mr. Smith, and the different offices he was thereby to fill. At first sight, perhaps, when it was said these offices were held by the same person, and that from the office of Alcadi, in appealing to the Oydore, he was only appealing from himself to himself —though this might *prima facie* appear somewhat extraordinary, still it was no more than what happened every day in the courts of this country. It was the same in the case of a trial at Bar: and in trials by Jury, in the counties Palatine, where the Judge directs the Jury to find for one party, he is almost immediately after moved for a new trial, on the ground of his own misdirection; and yet that same Judge would sit in court in the appeal against himself. The same was also the case in the Court of Chancery, where the appeal lay from the Chancellor in Court to the same Chancellor in the House of Lords, who there sat and decided on the appeal made against his former decision. He complimented Mr. Smith in the handsomest terms, as being a gentleman at the bar universally allowed to be fully qualified both by talents and integrity to undertake the office of a judge; and as such it required none of that magic influence, which his honourable friend had attributed to Lord Liverpool, to fit him for that high and important station. He said, he had had the transcendent pleasure of hearing many of Mr. Smith's letters on this subject read; and they all shewed, that his humanity was not inferior to his other eminent qualities. It so happened, however, that in all cases in which complaints had been made against Mr.

Smith, he was attacked for having conformed strictly to the Spanish Law, which was the law established in Trinidad. He did not wish to oppose any innovation at all: but he was desirous his Majesty's Ministers should be cautious how they altered a code which he thought almost divine. He advised them to let their modifications be carefully introduced, till they should be able to form such a system for the government of that island as their wisdom might on mature consideration determine them finally to adopt. He then read some extracts from the schedula or ordinance for the government of the negroes and other slaves. The first enactment was, that if a slave marry, the wife shall follow the husband; so that if the woman belonged to some other master, the master of the male must purchase her at a fair valuation; and if he refuse to do so, then the master of the male slave must take him at that valuation. The next enactment related to the punishment of slaves; and in reading this Mr. Brougham exultingly exclaimed, that the cart-whip used in our own West-India Islands was actually forbidden, and the dreadful lacerations which were its constant attendants. Only twenty-five lashes could be inflicted at one time, and those must not cause contusion or effusion of blood; and if this was at any time exceeded, the slave was immediately taken out of his master's power. This, he said, was the part of the law which caused Mr. Smith's expression, that it was almost a divine code. In lieu of this the House was desired to substitute another code, which does not limit the power of the master—which does not confine the flagellation to twenty-five stripes; but which allows, on the contrary, two or three hundred to be given; and those not only by the master and steward, or by the ordinary slave-driver, but there had been one instance in which a brother was made to perform the office of flagellation till the unhappy object of punishment was whipped to death. This was the code which his honourable friend wished to substitute in lieu of that he (Mr. B.) had just read. Gentlemen talked of the trial by jury, always keeping it in view, as carried on in England; but if you transplant it to Trinidad, it would go into the hands of men, who have left every humane principle of Englishmen behind them. The free people of colour in Trinidad, he said, were equal both in numbers and property to the whites: yet these people would by this application, if the House complied with it, be ousted from the British Constitution,

for the substance of it they now enjoyed; and in lieu of it, they would give them such a tribunal as acquitted Mr. Huggins, of Nevis. In fact, the trial by jury in our West-India Islands is a mockery of justice. He hoped the House would set its face against any alteration of the Spanish law in Trinidad. So little is that law known, that the Court of King's Bench, after hearing many arguments, have not yet been able to make up their minds, whether the torture inflicted in Governor Picton's case be really the Spanish law or not. If the House begin by pledging themselves to give the people of Trinidad British laws, they pledge themselves also to abolish the Spanish laws, without knowing what is Spanish law and what not. He had no doubt but Government will in due time give their most serious attention to this subject; and if they do, they cannot do better than follow the spirit which pervades the letter of Lord Liverpool. From all these circumstances, he should give his cordial vote against the present motion.

Mr. Stephen said, the honourable gentleman who brought forward this motion, would abolish the code of laws now established in Trinidad without offering any other in its stead, and without showing that those to be abolished are actually Spanish laws. He desires you by the first resolution, to resolve to act on an abstract practical case, and then that you will subsequently provide for the mischiefs you may thereby do. With respect to the British Colonies, they all differ very materially in the laws by which they are respectively governed: yet the honourable gentleman does not tell you, whether it is the British Constitution in Jamaica, that in Barbadoes, or that of Antigua, which he would wish to introduce into Trinidad. By the Resolution he has intimated his intention to move, if this pass, he would have that House interpose to wrest from the Crown its due prerogative, in order to enable the Prince Regent to interfere with his humanity. It had been determined by his Majesty's Ministers immediately upon the acquisition of this island of Trinidad, that it should not be managed in the same way as the other West-India islands, and that it should not have the *blessing* of that system that was now contended for. The circumstances attending the petition were these: Governor Hislop, the leader of that faction who had employed the honourable gentleman to state their case, had sent a circular letter round to all the white inhabitants of the island, to know whether they would not like to be

verned by British laws. The black residents had the mortification of seeing this circular left as regularly as a tax-paper at every white man's door. They were then obliged to consider the question, which, if adopted, would have placed the free blacks, not in the situation of negroes, for he believed nothing else that existed in this world was so cruel as their situation, but a situation worse than any thing to which the name of slavery was given in Europe. This proposal went to take away from them all the most important rights which were secured to them by the capitulation. It was said, too, that the mulattoes were silent upon the occasion. The fact, however, was notoriously the reverse; they humbly begged and prayed the Governor to allow them also to transmit a petition to the Government; but he believed that the House would feel considerable indignation when he stated, that this prayer, although couched in the most humble and adulatory terms, was refused by Governor Hislop. When it is, then, said, that the free blacks have not petitioned against the measure, the reason is that they *dare* not. The honourable gentleman here read some extracts from Bryan Edwards relative to the state of even the free blacks in the West Indies. He also read from a Barbadoes paper, which he had seen that morning, an humble petition from the men of colour, in the most abject terms, supplicating the Assembly to allow them to be admitted to give evidence in Courts of Justice. Their humble supplications stated, that the lower orders of whites frequently broke into their houses, and violated their wives and daughters; and no redress was given them by the law, as the evidence of a black man would not be received. Besides the opinion of the celebrated English writer, Bryan Edwards, there was an opinion stated by a very celebrated French writer, Monsieur Vaillant, about the manner in which the blacks were generally treated in the West Indies. Monsieur Vaillant said, that it was the greatest absurdity to throw the free blacks at such a distance from the whites in the scale of society, and that the Spaniards and Portuguese managed not only the free blacks in their Colonies, but their slaves also, with much more humanity, and more rationally than either the French or the English did. Their slaves were like a part of their family, and had by law a right secured to them of purchasing their freedom, or, in certain cases, of changing their masters. It was stated by his honourable friend, that this island was very near the

Spanish Continent. It should, then, be recollected, that they were close to a country, where, by the fundamental laws of the Constitution, every distinction was now abolished between the free blacks and the whites; and that the bulk of the inhabitants of this island are of the same origin with the mulattoes on the main land, and would naturally feel more acutely, on that account, the wrongs which they were obliged to suffer on account of their colour. The Governor was not, however, content with refusing leave to the mulattoes to transmit their Petition, but, he commenced a severe prosecution against those who were instrumental in having it signed. No less than thirty of those persons were arrested, and some of them were banished from the island, and stripped of their property. This was a pretty good specimen of what the faction who now petitioned would do, if they had more power in the island. The pretence for punishing many of those persons was for crimes committed in the French West-India islands, before the French Revolution, and before their emigration to Trinidad. The island of Trinidad was, however, principally settled and peopled by persons who came to it as a refuge from debts contracted in the other West-India islands, and yet those very white men held the blacks in such abhorrence, that they would conceive themselves degraded by sitting down in the same room with them. It was for the privilege of trampling on the black population of the island, that these whites thought it worth their while to pay 2,000*l.* per annum to one agent, and that so many paragraphs found their way into newspapers talking of the advantage of British laws. As to Mr. Smith, he would say, that to his own knowledge, he was a most respectable man, and that he had suffered a great deal of persecution. It was enough to try the temper of any man placed in a high official situation, to be set at bay, as he was, by all the whites of the Colony. As to the case of the printer, whom he punished for contempt, the man, after repeated warnings, had continued to insert an inflammatory libel, not only in open contempt of his situation as Judge, but as he thought, when the situation of the West-India islands was considered, even tending to assassination. As to the charge of the great severity of his imprisonment in a dungeon among negro slaves, he must say the honourable gentleman had been so incorrect in many of his statements, that he believed he was incorrect in this also. As to the freedom of the press in Trinidada, it meant nothing

at all but the liberty of libelling and lampooning every body who was disagreeable to the oligarchy of five hundred whites, who wished to be absolute masters of the population of the island. The Governor and his Council had at last thought proper to abrogate the functions of Mr. Smith, and that gentleman was now on his way to Europe. However valuable the trial by jury was in this country, in the way it was managed in the Leeward Islands, he would infinitely prefer the Spanish system of law. It was extremely hard for a stranger to get a fair verdict in the West Indies against a resident. The trial by jury was only good where there was such population as that a fair jury could be selected from; but to give those five hundred whites the complete dominion over all the lives and property that were on the island, would be highly detrimental to the cause of justice. He could state from his own knowledge, that no appeal had ever yet been brought against the judgment of Mr. Smith, although he had determined 1099 cases between March 1809 and August 1810. This circumstance would, he hoped, induce the House to think favourably of his character. He considered the proceedings of Governor Hislop and his faction as most unwarrantable, and that what was now sought for was most unjust, and therefore he felt it his duty to oppose the motion.

Lord Castlereagh objected to the motion. It had been the wish of his Majesty's Government, when he was Secretary for the Colonies, to change as little as possible the existing laws of the conquered islands. The spirit of the British law was to be introduced as far as it could, without violence to general habits. As to the British Constitution, there was nothing of it known, at least in the smaller Colonies; the nature of the population scarcely allowed it, and nothing of the constitution but its embarrassments was felt. It would be unwise of him, or any other Minister, to advise a trust of power in hands which would use it only for the purpose of oppression and injury.

Mr. Canning was glad that the discussion had taken place, as the fate which the question would meet this night would set the minds of the Trinidad Planters finally at rest. They were loud in their cry for a British Constitution; and they were so anxious in their demand, that they were ready to take any part, or be content with any shape, of what they called a British Constitution. This anxiety must betray their real object. It was an independent Legislature that

they wanted, and not a British Constitution, of which they did not seem to know the nature. But the Government would be right to resist a demand which merely went to prevent the interference of Government in the interior administration of the Colony. Within three months after the capture of Trinidad, he (Mr. Canning) had moved an address directly in the teeth of the principle of the independent Colonial Legislature; and his object in the motion was, that it might not be in the power of the Colony to resist the measures for putting down the slave trade, and his object in moving so early was to extinguish all hope of an independent Legislature. As those Legislatures were now, Government could not interfere with the internal concerns of the islands, even for their good. As to the colonial idea of a British Constitution, Mr. Huggins, that brutal executioner, in what was not his defence, but actually his exculpation, charged his accusers with sinning against the principles of the British Constitution. (*Hear!*) He must altogether object to the motion.

Mr. Wilberforce at some length opposed the motion. He adverted with great feeling and force to the horrors of the slave trade, and the detestable practices which had grown out of it, as well as to the duty imposed upon the House, in order to carry into effect its own acts, to take the necessary measures to prevent their being evaded. He agreed with his right honourable friend (Mr. Canning), that it would be desirable that the decisive vote of that night against the motion of the honourable gentleman should set this question completely at rest.

Mr. W. Smith briefly commented upon the papers upon the table, and contended that if the small communities in the colonies should not reform themselves, or suffer the Legislature of the mother country to reform them, the Government ought, as it had in its power, to cast them off.

Mr. Marryatt in reply remarked upon the asperity which had been employed by some honourable and learned gentlemen against the petitioners. To prove the uprightness of juries in the West Indies, he had only to state, that during ten years he had resided in Grenada, he had brought but two actions, one against the Governor, and the other against the Chief Justice, in both of which he had succeeded; and he left it to the House to form an opinion of the virtue of juries, which not only gave him a verdict against the Governor, but to cast the Chief Justice in a law-

suit in his own Court. After taking a review of most of the arguments urged against his motion, the honourable Member stated, that the great majority of the colonists wished for the British Constitution, and that in enacting laws, it was the duty of that House to consult the feelings of those upon whom they were to operate.

The question was then put, and the motion negatived without a division.

EXCHANGE OF PRISONERS.

Mr. Brand, in rising to make the motion of which he had given notice, did not mean at that late hour to occupy much of the time of the House. But as the subject was of considerable importance as well to the comfort and happiness of thousands of their fellow-subjects, as to the honour and character of the country, he trusted that it would not be considered as unnecessarily taking up the attention of the House, to bring it under its consideration before Parliament should separate. In the course of last summer it would be recollected that some communications took place between the Governments of this country and France relative to an exchange of prisoners of war. It would be equally in the recollection of the House, that such communications had not led to any successful issue, but terminated in a manner contrary to the wishes of the public, the cause of which had never yet been explained. He had hoped, that during the early part of the present session some communication upon the subject would have been made to that House, and that an opportunity would thereby have been afforded them of expressing their sentiments as to the propriety of the proceedings which had taken place on that occasion. As far as he was informed, the proposals which had been made by the Government were just and fair, and equitable, and consistent with those principles of candour and honesty which usually characterize negociations for such a purpose. The French papers, on the contrary, charged the Government of this country with insincerity, and even with perfidy, in the progress of the transaction. When the honour and character of the nation was thus assailed, he was persuaded that every man, whatever may be his feelings of hostility to any particular Administration, must be ready and anxious to justify the conduct of the Government of the country. For himself he had no hesitation in saying, that the proposals of this Government were

extremely fair, and exactly conformable to the practice in all similar transactions. On the part of the French, on the contrary, it was claimed, that we should not only release a number of French prisoners equal to the British prisoners in the hands of France, but also for the number of Spanish and Portuguese prisoners in her possession, to the extent of the French prisoners in our possession: in other words, that for one Englishman we should get, we should release three Frenchmen, getting back for our allies at the same time, one Portuguese and one Spanish prisoner. If this were the proposal of the French Government, which he believed it to have been, he considered it unfair and inequitable. He could admit the principle, after having got back all our own prisoners, of exchanging the remainder of the French prisoners in our possession in lieu of the prisoners of our allies in the hands of France, as perfectly fair and just. But he would ask, why we should not demand in the first instance the exchange of all our own countrymen, prisoners in France, before we should enter into the consideration of the ulterior arrangement for the exchange of our allies. Whatever number of French prisoners we should release thus over and above a number equal to our own, would be a loan of just so many to our allies to be applied by them in exchange for the release of their subjects in the power of France, and not to be considered by any means as the subject of a bargain between this country and France. We were not bound to include our gallant countrymen in any general aggregate of those to be exchanged, because it might happen that they would thus be included in an aggregate with those whose timidity may have caused their captivity, and consequently that the number of our brave countrymen whom we should regain would be in the inverse ratio of their gallantry and heroism. It was the duty of Government, therefore, to demand the exchange of all our brave and valiant countrymen, before they should consent to compare the balance between the surplus of French prisoners in our possession, and the Portuguese and Spanish prisoners in the hands of France. If that was the ground upon which our Government had proceeded, their conduct was fully justified. No man who read the French papers, or who conversed with any persons who travelled on the Continent, could be ignorant of the calumnies propagated by the French against this country, or of the consequent dread entertained by Frenchmen,

when captured, of the cruelty and severity of confinement in an English prison. Even the French negociator asked Mr. Mackenzie, what security the French Government would have, that after having released all the British prisoners, this Government would continue to exchange French prisoners for Spaniards and Portuguese? This was in his letter dated July 2, and contained an insinuation unjustifiable by any part of the uniform practice of this country, which had never failed faithfully to fulfil all its engagements. In the next letter, finding the ground slipping from under him, that person giving that part of the case as nugatory in principle, and delusive in practice, resorted to complaints of the treatment of French prisoners of war in this country. Upon this point he had made it his business particularly to inquire, and he was supplied with an account of the average number, and of the deaths up to the 30th of April, in the prison at Dartmoor, the one most complained of. The number in January was 5,885, and the number of deaths 16—in Feb. 5,697; deaths 5—in March, 5,607; deaths, 10—in April 5,600, deaths, 10.—From the Stockholm Mortuary Tables, taking the prisoners to consist of persons between 30 and 40 years of age, the number that would probably die out of 1000, was, it appeared, 28 in 4 months: only 24 had died out of that number, so that it appeared by this that the complaint of ill-treatment had no foundation in fact. It had been the uniform practice of the French to calumniate this country for its conduct to prisoners. In 1795, the outcry excited throughout Europe on this score caused an inquiry to be made by a Committee of that House. After a diligent and laborious investigation, that Committee made a report, which appeared so satisfactory, that an address was voted to the Crown to have it communicated to all the Governments in Europe to which we had access. He had one observation to make upon a point rather of internal concern to ourselves, than of interest with reference to the enemy. He should not refer to the case of any individual, but he should never consent to have one of those who had voluntarily placed themselves in the power of the enemy, whilst there was a cabin-boy or a drummer, taken fighting the battles or defending the shores of his country, in the hands of the enemy. This was a point well worth serious consideration, both as to the justice and equity of it; and as to the policy of introducing any new principle into the usual

course of establishing cartels, he believed that the hon. gentleman who was employed in the negociation to be a gentleman of great respectability, and possessed of very considerable talents; but he rather believed that his very dexterity on a former occasion had rendered him peculiarly obnoxious to the French Government. So far therefore an appointment of that kind ought perhaps to have been avoided; and he trusted, that in case of any future negociation attention would be paid to this circumstance, as it might be of importance in attaining so desirable an event in every point of view, and so interesting to the feelings of thousands, as an exchange of prisoners. He concluded with moving "That an humble address be presented to the Prince Regent, praying that he would be pleased to lay before the House, Copies or Extracts of such Communications as took place in 1810 with the Government of France, relating to an Exchange of Prisoners."

Mr. Yorke seconded the motion, and was very happy that the subject had been brought before the House by the honourable gentleman. The only reason why the matter had not been brought forward by Ministers, was, because the attempt at negociating an exchange having failed, there was no occasion for them to submit any measure on the subject to the approbation of the House. When the papers moved for came before them, it would then be in the power of the House and the country to judge on which side the quality of fairness was to be found; and sure he was, that the character of unfairness or insincerity would not be found to rest with this Government. As to the exchange of the civil persons who were detained in France on the breaking out of the war, their case was one which met the anxious consideration of Government. Undoubtedly it was their intention that all our military and naval prisoners should be first exchanged; but as then there would remain a very considerable surplus of French prisoners, it appeared really a dictate of humanity to relieve these unfortunate *détenus* by continuing the cartel for them. It was quite in vain to think of pressing on the present Government the rules by which the practice of modern warfare had been regulated, and it seemed better that these unfortunate individuals should be restored to their native country in the best way that was possible, even though that should not be quite satisfactory. The honourable gentleman seemed to state that the French Government had some

objection to the employment of Mr. Mackenzie; and perhaps he alluded to that gentleman's being employed in bringing off the Spanish troops from the Baltic, as a probable cause of dislike. Now really he never heard that any objection of that sort was even stated by the enemy; and he rather understood that Mr. Mackenzie was treated with every degree of attention while employed in conducting the business. A number of the papers now moved for had appeared in the *Moniteur*; but some material papers certainly were omitted, which would now be supplied, and others more accurately given, which would produce the whole of the communications fully and fairly before the House and the public. He believed, that at this moment there were about 50,000 French prisoners in this country; the British prisoners in France were not more than 10,000, the Spanish prisoners there might be as many as the French prisoners here; and there were also about 12,000 Portuguese prisoners in France.

The address was then agreed to.

Adjourned.

HOUSE OF LORDS.

FRIDAY, JUNE 14.

CATHOLICS OF IRELAND.

Earl Grey expressed his regret, that in consequence of illness his noble friend (the Earl of Donoughmore) was rendered unable to attend the House, to bring forward his motion on the Catholic Petitions. He could take upon him to assure their Lordships, that nothing but the inability on the part of his noble friend, not only to make any exertion, but even to attend the House, would have prevented him from bringing forward his motion. It would be desirable, at this late period of the session, to appoint as early a day as possible, and therefore he moved to discharge the order for summoning their Lordships for this day, and to renew it for Tuesday, having every reason to believe that his noble friend would on that day be able to attend.

The Earl of Liverpool did not rise to oppose the motion, but merely to express a hope that the discussion would not be deferred beyond Tuesday, if it was meant to bring it on at all this session, although he thought it might be post-

poned till the next session without the least prejudice to the question. He also wished to observe, that the Committee on the Militia Interchange Bill, which had been postponed till Monday, could not at this late period of the session be longer deferred, without great inconvenience.

Earl Grey said, there was every reason to believe that his noble friend would be able to attend on Tuesday, and would in that case certainly bring on the question.

The Duke of Norfolk said a few words respecting the postponement of the Committee on the Militia Interchange Bill till after the discussion on the Catholic question.

Earl Grey said, it certainly was highly desirable to have the Committee on the Militia Interchange Bill postponed till after the debate on the Catholic question—and it was, at his request, with that view that it was deferred till Monday; but at this advanced period of the session, he could not ask a further delay.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, JUNE 14.

PRESERVATION OF SEAMEN.

Mr. Wilberforce, pursuant to notice, called the attention of the House to Captain Manby's Invention for preserving Seamen's Lives. Captain Manby had already received a public reward for it; and animated by this, he had made various improvements in it. The whole had been tried and approved by a Committee of General Officers. The invention added greatly to the utility of Mr. Greathead's Life Boat. Upon the whole, he thought it highly desirable that the apparatus should be established on different parts of the coast. The arrangements had better be left to the Executive Government, who, he hoped, would grant rewards to those who exerted themselves in preserving the lives of seamen. He himself had in vain attempted to procure a reward for some persons who had, at the risk of their lives preserved several from wreck, and these very men afterwards refused to go out in a case of distress, because they said they had families of their own, and could not expose their lives

to imminent hazard without the conviction that, in case of the worst, their families should be provided for. The expence of this would be trifling, and the benefit would be great. He concluded by moving an Address to the Prince Regent, praying that he would be graciously pleased to order that Captain Manby's invention should be stationed on different parts of the coast, &c. and assuring him that this House would make good the expence.

Mr. Bastard approved of the invention and the object of the motion; but he thought the House had lately received a hint, which ought to make it cautious how it pledged itself to make good a sum of money.

Sir Thomas Turton observed, that no doubt the sum would be issued, because Ministers would give their consent. Their recommendation would be all-sufficient, though an order of this House had been unavailing.

Mr. Rose stated, that without this invention, the Life-Boat could not get out in strong winds blowing on the shore and a violent surf. It was therefore a very useful discovery.

The motion was then put and carried.

REGISTERING BAPTISMS, &c.

Mr. Rose moved for leave to bring in a Bill for Registering Baptisms and Burials. Great inconvenience had arisen from the want of such documents both among the rich and poor. Fortunes and honours were lost to many for want of proof, that could alone be furnished in this way, and he himself knew an instance where a seaman's widow lost 200*l.* by not being able to prove her marriage, although he had no doubt she had been actually married.—In answer to a question from Mr. Jekyll, who highly approved the object of the Bill, he stated, that it was intended that the originals should be returned every year to an office in the province of Canterbury, and another in that of York, so that there would be only two offices in all England, which would be open to all. Duplicates would be preserved. The object was to have the Bill printed, that it might be considered during the recess.

Leave given.

DISTILLERIES.

Mr. Perceval moved the Order of the Day for the further consideration of the Report of the Distillery Duty

Drawback Suspension Bill, and stated that he had a clause or two to propose, to obviate some objections to the Bill.

The Amendments agreed to in the Committee were then read a second time and agreed to.

Mr. Perceval said he had some clauses to propose which he presumed to think would meet the whole of the objections to the Bill. He had no doubt that the great danger of frauds being committed in consequence of the intercourse, must arise in Ireland, where a duty being imposed on 100 gallons of spirits, without regard to its strength, these 100 gallons might be converted into 130 gallons, and the 100 gallons being exported to England, the 30 gallons would become a clear bonus to the exporter. When the English distillers, however, said that they would go on without any regulation rather than have the Bill now before the House; that, he was aware, could only be regarded as an expression of anger, which was not to be attended to. This was a diminished evil, and it must be better to have it than an aggravated weight. He must say, in praise of the British distillers, that greater candour, greater liberality, or a greater desire to afford information, he had never found in any body of men than in them. They, surely, however, had a great interest in suspending, as long as possible, the intercourse between the two countries, and in driving Parliament for some time longer to continue the prohibition. Till the introduction of these clauses, which he had now to produce, he agreed the Bill was open to objection, as it allowed the distiller of Ireland to export spirits without payment of any excise duty, or subject to any drawback except what might be supposed to be produced by the duty on malt. This, too, it was to be observed, was only an experiment, and if it should not be found to answer, it would not be carried farther, the endurance of the present Bill being only for such a period after the commencement of the next session of Parliament, as would allow time for reconsidering the measure. To prevent any interference between the English, Scotch, and Irish distillers, which might lead to frauds or to unjust advantages on either side, he should propose that no spirits be exported from either of the countries but through warehouses to be established in each. This was no new machinery which he wished to create. He found it in existence, and wished to apply it to the particular case under consideration. He agreed that it was

wrong that the trade in Ireland should go on for home consumption, and for warehousing for exportation at the same time. This, he was aware, could not long be suffered. The permit he should propose should specify not only the quantity, but the strength of the spirit, and if any fraud should be committed in mixing any such spirits, that then it should be forfeited. He then moved three several clauses, declaring first, that no spirits should be warehoused in Ireland for exportation, unless where the strength was specified; second, that no spirits should be delivered for exportation, unless where the strength was specified; and thirdly, that distillers of spirits in England for exportation to Ireland, do distil their spirits under the same regulations as are provided by the Acts of the 28th and 45th of the King.

The two first clauses were brought up and agreed to. On the third clause being put,

Mr. W. Smith could not conceive on what principles the House were to agree to such a clause as the present. He could not attribute it to any wish on the part of the right honourable gentleman to encourage injustice, but must lay it to the account merely of inadvertency. The right honourable gentleman he had no doubt had adopted it as a shadow of reciprocity of rights between this country and Ireland, founded on the Act of the 45th of the King, chap. 100. He wished the House only to attend to this one fact. The Bill in question was to expire three months after the meeting of the next session of Parliament, and by the way in which the clause in question was framed, the English distiller could not avail himself of the privilege allowed him till October in the next year after the passing of the Act, and by which time, of course, the Act must have expired. By what name must he call this? Was it a nullity? Was it an insult? Or was it merely an inadvertency on the part of the right honourable gentleman? If he did not agree that it was an inadvertency, then could it be nothing but an insult. The clear import of the clause was this; either that the party intending to avail himself of the benefit of the clause must erect new warehouses for the reception of the spirits to be exported, or that he could not commence warehousing in his present premises for twelve months. A clause had been proposed to the right honourable gentleman which would have removed great part of the objection, namely, to prevent the distillers of Ireland

from working for the home trade of Ireland, while they worked for the foreign market, which it was impossible they could do fairly at the same time. In this way it would have been incumbent on the Irish Distiller, if he were on a Tuesday working for home consumption, then to stop, and to give notice, that on the second day after he should have commenced working for exportation. This was at present the law in Scotland, and why not so in Ireland, where frauds were more likely to be committed? That the greatest frauds were at present committed in the distilleries of Ireland, appeared from the statement of the Irish Chancellor of the Exchequer himself. The right honourable gentleman (Mr. Perceval) had been pleased to talk highly of the candour and liberality of the English distillers. They would rather, he could assure his right honourable friend, have a little padding than so much praise. The clause proposed was an absolute nullity, as far as concerned the Bill.

Mr. Perceval said, if the meaning of the clause was as it had appeared to his honourable friend (Mr. W. Smith), the clause was defectively worded. He surely meant that the same premises used by a distiller at the time of passing the Act, might be used for the purposes of this clause. He believed the measure would be found more advantageous for all parties than when there was no intercourse. Could it be expected, then, that Ireland would give up her home market for the chance of exporting? And if the House had no absolute right to prevent this, would not the introduction of such a clause be an indirect mode of preventing that which openly and directly they had no right to prevent?

Mr. P. Moore alluded to the boons which had lately been conferred on Scotland, in grants for her roads, bridges, and canals; and to the grants to our colonies on the coast of Africa, &c.; and argued, that as the distillery was the only branch in which it was alleged that Ireland had at all been favoured at the Union, it would be unjust and ungenerous totally to deprive her of that, the only boon she had received.

Mr. Marryatt contended that the Union was founded on principles of reciprocity, and that whatever was unprovided for in this respect, ought to be done away with. What was this measure, but that the Irish distillers should pay no duties and no drawbacks? The right honourable gentleman had said, that he would not recommend this as a per-

manent measure. He would ask, however, why it ought not to be kept as perfect as if it were a permanent measure? Two years ago the right honourable the Chancellor of the Exchequer for Ireland had trusted to a great increase in the revenue from the consumption of spirits; but in this he had failed. Then the duty was again lowered, that the consumption might be increased. What the country had gained, however, in revenue, she had lost in morals, as the hospitals of Dublin could tell. Morals and industry were the strength and riches of the country; and, as going to undermine both, the present seemed to him one of the worst measures that could be adopted. Rather than agree to such a Bill, he would have the intercourse suspended till next session.

The Clause was then put and agreed to, and ordered to stand part of the Bill.

On the question that the Bill be engrossed—

Mr. W. Smith again protested against the principle of the Bill, and also against its details. He did not wish to require that the Irish distiller should have two places for carrying on his business, but only that he should give two days' notice before proceeding to convert his operations from distilling for home consumption to distillation for exportation, and that in the mean time his work should be suspended. What he complained of was, that every thing in those regulations was given to Ireland. Gentlemen said that suspending the intercourse was infringing the Union. Would they say, however, that the imposing of drawbacks did not infringe the Union? If this was not so, then was his argument gone. If it was, then was there a fallacy in saying that he was guilty of a breach of the Union who recommended that out of which a solid and substantial benefit arose, and that he was not guilty of such breach who was for giving an unfair and undue advantage. The right hon. gentleman said that the distillers in Scotland would be able to avail themselves of the privilege of warehousing which he proposed. There were only two persons in Scotland, however, who would be able to do so; and for that reciprocity all Ireland was to be enabled to send spirits into England. He had heard of Irish reciprocity; if this was not it, he could not conceive in what it consisted. The English distillers had gone on, trusting to the assurances of the right honourable gentleman, that things should continue as formerly, and one of those understood agreements was,

that the non-intercourse with Ireland should continue for three months after the conclusion of the session of Parliament. The question was, if parties who complained were not the best judges of the grievances they suffered? They said to the right honourable gentleman, "If we cannot have things as we wish them them to be, let them stand as they are." The right honourable gentleman said, "No; you must have what we are willing to give you." This was not what the English distillers had a right to expect from him. The rights of the country were thus sacrificed; and if the corn distillery of England was to be stripped for the convenience of Ireland, then had the landed interest of England more reason to complain than they would have had in the case of the distillation from sugar. In the one only a fair advantage was given to the importers of sugar; in the other, an unfair advantage was given to the corn grower of Ireland. All that the English distillers asked was, that in the article of notice previous to proceeding to the distilling for exportation, the three countries should be put on a footing. The right honourable gentleman, on the other hand, did not make this reciprocal, but imposes on Ireland only as much of the burden as he thinks proper. What the English distillers here demanded was only suspension of intercourse, or justice, no more. They did not absolutely demand a suspension of intercourse; but only, if you do away the suspension of intercourse, that, then, you will give them justice.

Mr. Hutchinson argued at considerable length in support of the Bill. The countervailing duties imposed by the Act of Union, were equal to the internal duties on the importe of spirits from Great Britain into Ireland, and from Ireland into Great Britain—imposing, however, a drawback on the export equal to the countervailing duty. At the Union, the countervailing duty in Ireland was fixed at 3*s*. 7*d*. per quarter—the drawback was, of course, the same. By the 48th of the King, the duty was raised to 5*s*. 8*d*. and the countervailing duty was declared to be also 5*s*. 8*d*. The 50th of the King repealed the 48th, and lowered the duty to 3*s*. 4*d*. without imposing any countervailing duty. The intercourse being now open, the drawback is 3*s*. 7*d*. and of course excessive, the duty being only 3*s*. 4*d*. A countervailing duty of 3*s*. 4*d*. was then introduced.—But this drawback, thus reduced to 3*s*. 4*d*. the British distiller contended to be still excessive, and demanded a suspension of the

spirit trade between the two countries, which would deprive the Irish distiller of his undoubted right of coming into the British market, upon his paying the countervailing duty as existing in Great Britain; and this too, while the British affects to complain of his being shut out of a market, not only open to him on fair terms, but which he has never been disposed to resort to. The Irish distiller had, indeed, a strong ground of complaint against the Scotch distiller, who went into the Irish market, receiving as a drawback the British and not the Scotch duty, two shillings more than he paid, while the Irish spirits came into the Scotch market paying the British instead of the Scotch duty. When in 1804 the British distiller complained of certain internal advantages under which the Irish distiller came into the British market, the Irish distiller was quickly dispossessed of what it was scarce worth the trouble to deprive him, by the Warehousing Bill. This alarm attempted to be excited against the Irish distiller was quite in conformity with the old spirit of monopoly which had so strongly characterised Great Britain in her commercial dealings with all the world, to which Ireland had been for centuries exposed, and under which she had suffered the most cruel persecution. The smallest extension of trade was at all periods with the utmost difficulty, and after the severest struggles, obtained for Ireland. Her internal manufactures were studiously discouraged; a direct trade to any of the colonies or the rest of the world interdicted under the heaviest penalties. It is about 113 years since King William declared to the English House of Commons, "I shall do all that lies in me to discourage the woollen manufactures of Ireland." Nay, so late as 1778 the table of the House of Commons was covered with petitions against a miserable indulgence to Ireland of a direct trade in glass and hard-ware with the coast of Africa; and at this period, the cities of Glasgow, Liverpool, and Manchester, carried their magnanimity and patriotism to such a length, as even to threaten rebellion should these indulgences be allowed to Ireland. Even now Great Britain will thankfully receive in her necessity the raw material, the corn from Ireland—while she would illiberally attempt to exclude spirit, the manufacture from that raw material! A free trade upon no duties, or equal duties, was the principle of the Union. This principle has been effected with a vengeance as against Ireland; but when she required the

same principle to be acted upon as against Scotland, her trade was interdicted, and the Union violated. Admitting, however, that the Irish distiller did reap some advantages from the spirit trade of Ireland with this country, was he therefore to be deprived of the trade itself? if so, would they restore to his country all that she had lost by the degrading and abominable measure of Union? (*Here the honourable gentleman was interrupted by cries of—Order! order!—Chair! chair!*)

The Speaker.—The honourable Member will do well to recollect, that such is not the language which it becomes this House to hear, or him to use, in speaking of a grave and solemn Act of Parliament. (*Hear! hear! hear!*)

Mr. Hutchinson.—Sir, I trust I am incapable of using language unworthy this place or myself. In saying what I have said, I have obeyed the dictate of feelings, of which I am not ashamed; and while I know them to be just, I know not why I am to suffer the expression of them to be dictated to me. (*Here the cries of—Order! order!—Chair! chair! chair! became louder and more general.*)

The Speaker.—The honourable Member will be pleased to see the necessity of conforming to the usages of this House, in the expression of his opinions. (*Chair! chair!*)

Mr. Hutchinson.—To conform to the usages of this House I am in every way disposed—(*Hear! hear!*) but my first right as a Member of it is, what I shall never willingly resign. (*Order! order!*) If privilege of speech be not the right of every Member of this House, I know not what is—I have always thought it to be the right of every Member of this House, what he feels honestly, to declare boldly—my feelings with respect to that measure of Union, have been strong and uniform. When it was first proposed, I foresaw in it danger to this country—in the danger, the degradation and the ruin of my own—and, as a common friend to both, I resisted it by every means within my power—and am I now to be denied the melancholy privilege of deploring the humiliating state to which that measure has reduced my country, by making her a party in effecting her national extinction?—Am I to be denied the right of complaining that she has been tricked out of her independence by promises which have been all violated, and hopes which have been all blasted? If, however, after all this it be the secret determination to rob her gradually of the very few advan-

tages, and those too of partial operation, to which under even such an Act she may be entitled, why then let but gentlemen avow this, and let the Union be dissolved. (*Hear! hear!*)

After a few words in explanation from Mr. J. Taylor, and Mr. W. Smith, the House divided:—

Ayes	66
Noes	19
Majority . .	47

Mr. Rose read from papers in his hand, a return of the French Prisoners now in England, amounting to 45,039, of which there were now on the sick list but 351. This, he said, was a proof of the healthy state of the French Prisoners in this country, that he was convinced, could not be paralleled by any comparative statement in any other country in the world. (*Hear! hear!*)

MR. MANSELL PHILLIPS.

Mr. Lockhart stated, that Mr. Phillips had called on him this morning; that he had procured a copy of the indictment, and engaged to plead to it. Under these circumstances he proposed to move that the former Order be discharged. The Order was accordingly discharged.

Adjourned.

HOUSE OF COMMONS.

SATURDAY, JUNE 15.

LORD WELLINGTON.

The Speaker then informed the House, that he had received a letter from Lord Wellington, dated May 5, in answer to that which he had transmitted to him, conveying the Thanks of that House. He then read the letter, the purport of which was—"That his Lordship attributed, under Divine Providence, the success of our arms in the victory lately obtained by the army under his command to the great skill, gallantry, and talents of the officers, and the steady unconquerable valour and high state of discipline of the soldiers composing that army, and he had no doubt that when they heard those Thanks read—that highest honour

they could receive from their country, would be a fresh stimulus to rouse them to new feats of heroism. That for his own part, the Thanks of the House of Commons will ever remain indelibly impressed on his mind: that it will be his anxious study and pride during life to merit a continuance of his Majesty's good opinion, and the high trust and confidence reposed in him; and that, next to those, nothing could be so grateful to him as the thanks he had just received. He then returns the Speaker his warmest acknowledgment for the very kind and flattering manner in which he had again conveyed to him this high honour conferred on him by the House."

The Bank Token Bill, the Retired Officers' Bill, and the Tower Burial-Ground Bill, were severally read a third time, and passed.

Adjourned.

HOUSE OF LORDS.

MONDAY, JUNE 17.

INSOLVENT DEBTORS BILL.

The House went into a Committee on this Bill.

The Lord Chancellor stated the circumstances under which the measure had come before them, and the impropriety of extending the amount of debt up to which debtors might be relieved. His Lordship, for the purpose of rejecting the clause, moved that the words 3,000*l.* stand part of the Bill.

This gave rise to a short debate, in which

Lord Holland, with much force, argued for the retention of the clause, on the grounds of the difference in the value of money, and the peculiar circumstances of the times, as well as on the general principles of such laws. He had heard of some disease which had been styled the *opprobrium medicorum*. He thought the practice of our laws in respect to debtor and creditor, with the constant interference of these insolvency reliefs, was our *opprobrium jurisconsultorum*.

Lord Ellenborough re-stated several of his arguments against the Bill, and hoped the good sense of the House would reject the proposed increase. The general Bill, which had been before their Lordships, he considered to

be quite impracticable, and its provisions entirely inadequate. Had it passed, it must have been, as soon as possible, repealed.

The Earl of Moira defended the principles he had maintained on this subject for twenty years, as being founded in justice, and as tending equally to the benefit of debtor and creditor, and to the general interests of the community.

The House divided on the Chancellor's question:—

Not Content	32
Content	17
Majority . . .	15

The motion was therefore negatived; and the words "two thousand pounds" inserted, instead of "three thousand."

MILITIA INTERCHANGE.

The Earl of Liverpool moved the order of the day on this subject, and the House went into the Committee on this Bill, and agreed to several clauses. On that clause which provides for the privileges enjoyed under the respective Acts by the different Militia forces,

Earl Stanhope moved the insertion of the words he had moved to insert into the Mutiny Bill, and which provided that no officer should have the power of compelling any soldier not of the Church of England to attend its service, and gave him the right of attending those places of worship to which he was attached, according to the dictates of his own conscience, such attendance not interfering with his civil or military duties. He wished not to leave this matter to the discretion of this or that Commander-in-Chief, but to make it clear and undoubted by a Parliamentary enactment.

The Earl of Liverpool thought the amendment unnecessary; as care would be taken, on the adoption of this measure, to have a general order issued here, similar to that in Ireland. He believed the Catholics, whom he admitted to be as respectable and loyal as other descriptions of his Majesty's subjects, were quite satisfied on this point, and that the regiments from counties chiefly Catholic were among those who would be first in volunteering their services in England.

The Earl of Moira contended for the clause proposed.

He thought nothing could be more simple and just, than to set the whole matter in a clear and legal point of view, and so do away all grounds of misunderstanding. He believed that nothing unfair was meant, and if his feeble voice could reach the ears of his countrymen, he would tell them that they might rely on fair treatment: but it was still better to settle all reasons of doubt.

The Duke of Norfolk alluded to the Test Act. He was not enough of a lawyer to answer the question; but he understood, that by that Act, a person might be sued civilly by the informer, for non-compliance with its enactments about taking the sacrament in the Established Church.

The Earl of Liverpool observed, that the Test Act had not been in force for many years in Ireland. Its repeal by the Irish Parliament was, as far as that country was concerned, an act of the United Parliament. *(Hear! hear!)*

Lord Holland argued with much force and animation in support of the clause. The question ought not to stand on the disposition of a Secretary of State, and a Commander-in-Chief, whoever they might be: it was one which it became Parliament to fix beyond misapprehension. A proof that the original clause was not sufficient, was shown in the necessity of promising a general order from the Commander-in-Chief here.

The Earl of Buckinghamshire wished to have the doubts removed. He had no objection to offer to the amendment, except his decided conviction, that Government would act with perfect fairness. He also thought, that some difficulties might arise from adopting the amendment now, after refusing it in passing the Mutiny Bill.

Earl Stanhope, in reply, strenuously defended the principle of his amendment, as founded on the sacred, inherent, and inalienable right of every man to worship his Creator in his own way, when it did not infringe on the civil and military duties he owed the State. Why should the Secretary of State refuse his amendment, which went to do that in a straight forward way which he wanted to do circuitously—which went to put that on a ground of right which others seemed to put on a ground of favour? He appealed to the resolutions passed in May, in Dublin, to prove that the Catholics were not satisfied on this subject. Indeed, they could not be satisfied. The Secretary of State had a vast deal of faith, and the proof of his excessive faith was to be found in his belief in impossibilities. *(Hear!)* If

the Catholics were dissatisfied, they would not come. Then the noble Secretary of State would be another Mahomet. The mountain would not come to him, and Mahomet must go to the mountain. (*A laugh.*) He had proposed his amendment, in order to state his clear and conscientious opinion, and wondered how any man of principle could dispute it. But he should not then divide the House.

The Earl of Radnor proposed a clause, which went to limit the interchange to the cases of invasion or rebellion.

The Earl of Liverpool objected to the clause as hostile to the principle of the Bill, the professed object of which was to promote the intercourse, not only on extraordinary but on ordinary occasions, and thus more closely cement all the connexions between the two countries.

Lord Holland was of opinion, that the Bill as it stood really went to consolidate the efforts of the empire; and therefore, though it considerably trenched upon the old principles of the Militia Acts, yet the former advantage so much outweighed any inconvenience from the latter, that the Bill should have his support.

The clause was negatived; and after some farther discussion, the third reading of the Bill was fixed for Friday.

Adjourned.

HOUSE OF LORDS.

TUESDAY, JUNE 18.

The Earl of Radnor rose to bring forward a motion connected with their Lordships' Privileges; and the Earl of Lauderdale having observed, that this was almost the only case upon which he wished the House to be cleared, strangers were for a short time excluded.

CATHOLICS OF IRELAND.

The Earl of Donoughmore presented a Petition from the Catholics of Cork, which was ordered to lie on the table.

The order of the day having been read, for taking into consideration the Petitions of the Catholics of Ireland, the Petitions were by desire of the Earl of Donoughmore read by the Clerk at the table.

The Earl of Donoughmore said, that the subject on which he was about to address himself to their Lordships

was not to be considered as the commencement of a treaty between two independent communities, at the outset of which it might be necessary, as it had been the usage, to lay down certain principles, respecting which both parties were agreed, as a ground and basis of negotiation, on which they were to proceed to the discussion of their respective interests. It was a firm but legitimate appeal for the redress of grievances to that branch of the supreme power of the state, on the part of a large portion of its constituent body. There could exist, under such circumstances, no relations of equality; and therefore no previous stipulations could be admitted as preliminaries either on the one side or on the other. It was equally competent to the Supreme Power to give or to withhold; so did it depend exclusively on its discretion in what manner, and accompanied by what other measures, if any may have been deemed necessary, it shall think fit to restore to the Petitioners those constitutional privileges, of which they complained that they had been deprived. The object of the motion with which he should conclude, was not to press that House at once for any fresh concessions to those whose cause he had undertaken to plead —and therefore he should exclude from the consideration of the present question, because they would be premature, all those learned disquisitions of which they had heard so much, respecting the *Veto*, proposed to be given to the Crown in the appointment of their Bishops, or the *domestic arrangement* which has been suggested in its stead. He would not turn aside, to compare the Resolutions of the Catholic Prelates in 1799, (framed as an answer to a direct proposal from a friendly Government, and in the expressed confidence of approval by the Sovereign Pontiff), with the Resolutions and Address of the same persons in September 1808 and February 1810, when the violence of the common enemy had deprived them of every means of communication with the spiritual Head of their Church—whose sanction they had declared at all times to be an indispensable requisite to any arrangement on their part, and when they could have had no possible inducement, to suggest facilities to a decidedly hostile administration. He did not feel it to be any part of his present duty to examine, for the purpose of endeavouring to reconcile them, those misapprehensions, which had unhappily prevailed between their avowed agent, of whom he could never speak but with much respect, and some of their most conspicuous Parliamentary friends.—

Those differences of opinion, however greatly to be lamented, had not deprived the Catholic cause of any one of its former supporters in either Houses of Parliament—and, whatever their ultimate amount and value should be found to be, they could not, on any just principle of reasoning, be erected into an insurmountable obstacle, *in limine*, to any consideration of the Petitioners' case. Many and weighty objects would, of course, press themselves upon their Lordships' attention, when they should have once engaged in the good work of national conciliation to which they were then invited. Whenever that moment, so devoutly to be wished for, should arrive, the advocates for Catholic privilege, the enemies of the still existing system of proscription, would be prepared to enter into all the necessary details—they would be prepared to shew, that they sought nothing for the petitioners which was not consistent with the perfect security of the Protestant state;—that the tests by which the petitioners were already bound, afford assurances the most complete for the protection of all our establishments, civil and religious;—that with respect to those alleged dangers which had been so much relied upon, from the possibility of foreign appointments to the Prelacy of the Catholic Church, they entertained the best founded confidence in the declared and cordial disposition of that community, lay as well as ecclesiastical, effectually to remove all just grounds of apprehension—if indeed their own experience of the past should not be considered as in itself sufficient security for the continuance of the same course of chaste and uninfluenced selection for the time to come. On behalf of the petitioners, he only claimed the justice of being permitted to prove the merits of their case; the opportunity of rebutting those false and cruel aspersions, by which their holy religion and they, as the professors of it, had been unceasingly assailed; the opportunity of challenging their calumniators to come forth and shew in what manner they had sinned against their common country, by what transgressions of theirs they had deserved that condition of restraint and degradation, under which they still continued to suffer. Consistently with the unity of the Catholic Church under one and the same Spiritual Head—its great land-mark and distinguishing characteristic, and which they could never cease to uphold until they should have renounced the religion of their forefathers—there was no sacrifice which they were not prepared to make, to conciliate the esteem and the

affections of their Protestant fellow-subjects. The sum and substance of his humble but earnest solicitation to their Lordships, on behalf of his petitioning and aggrieved countrymen, was only this; that they would not pronounce against them the hard sentence of perpetual exclusion, from a just and equal participation in all the rights and privileges of the Constitution, as disaffected members of the state, without the decent formality of some previous investigation —that they would not dismiss them from their bar, discredited—and condemned unheard. There was one prominent feature by which that question stood distinguished from any other, which perhaps had ever engaged the attention of any Legislative Assembly—a peculiar anomaly, which has not had its parallel in the situation of any country on the face of the earth, either of ancient or of modern times. The religion of a very small minority of the people is the religion of the state, as established by law; nine-tenths of the population professing religious opinions essentially differing from those of the establishment; to the support and splendour of which all were, however, alike bound to contribute in equal proportions. What was the case with respect to the other members of the United Kingdom? Directly the reverse. Presbytery established in Scotland—and, here, the Reformed Episcopal Church. In both cases the establishment of the State religion, controlled and governed by the religious opinions of the majority of the people. When an attempt was made to force upon Scotland the establishment of Episcopacy, what a determined and disgraceful spirit of violence and outrage marked the resistance of the furious zealots of that day! That resistance, however, was not unsuccessful; and in conformity to the feelings of the majority of the nation, Episcopacy was accordingly abolished, after a severe struggle, and Presbytery established, by King William himself, in 1689. Very different indeed were the effects of the revolution with respect to his unhappy country —the weak and wicked policy of the law; the whole weight of the Government, applied to extinguish the religion of the people, and which would have been on that account, under any other political dispensations but their own, the religion of the state, and to crush its professors to the earth by a system of tyranny and persecution, unequalled in the history of civilized communities; and this in the very teeth of a solemn treaty which guaranteed to the Catholics, in terms the most explicit, the free exercise of their religion,

Fortified as it was by the exclusive possession of ecclesiastical power, dignities, and emoluments for more than a century; was it possible for them to consider that the continuance of the penal code could still be necessary to uphold the strong and consolidated fabric of the National Church? And could they forget, that by the remedial statute of 1793, its perpetual maintenance was made an inseparable concomitant of every right and privilege which had been restored to the petitioners by that Act, and that to the support of the Protestant establishments, the Catholic was himself bound under the solemn obligation of an oath? He trusted that the period had at length arrived for making just restitution to his oppressed countrymen. Assuredly no man who did not wish to conjure up as arguments in debate, apprehensions which he could not feel, could entertain a doubt that those establishments were already placed beyond the reach of any possible danger, unless their Lordships should unhappily succeed in convincing the Catholic, by the force of their own fatal arguments, that his interests are in direct hostility to those of the National Church, the subversion of which would be, in such a view of the subject, the only road by which he could hope to arrive at the possession of political confidence and political power, the avowed and legitimate object of his most strenuous pursuit. In what he had said, he desired that he might not be misunderstood, in that House he was not afraid of being misrepresented. On the part of the Catholics, he did not urge it as a grievance from which they were weak or wicked enough to seek to be relieved, that the Protestant Church was the established religion of the state. He claimed not on their part, and as their advocate, what they had themselves solemnly renounced upon oath, a share in the honours or advantages of the Established Church. He did not mean to recommend to the imitation of the petitioners, that system of violence in the pursuit of their object, which, however successful in the case of Scotland, he had unequivocally condemned, and from the excesses of which humanity itself recoils with disgust. In making that statement, and in the parallel which he had drawn, his intention had been only this—to endeavour to awake the slumbering feelings of their Lordships to a more kind and favourable consideration of the petitioners' case, from a just recollection of the peculiar grievances by which they had been oppressed; and of those circumstances of unexampled severity under which it had been their misfortune to have suffered so long.

And here he must be permitted to express the particular satisfaction with which he had received the printed reports of their Lordships' late proceedings on the petition of the Protestant Dissenters; having been necessarily detained in the country for the recovery of his health, he was reluctantly prevented from being personally present. No man, however, more cordially approved the decision of the House on that very important discussion, and the respectful deference to the conscientious scruples of other men, however essentially differing from the doctrines and discipline of the Established Church, which marked the whole course of that interesting debate. No voice was raised against these petitioners, as avowed and formidable opponents to the principles and practice of our ecclesiastical establishments—no attempt was made to misrepresent their motives or themselves; when 500 petitions upon the same subject were heaped upon their Lordships' table almost at the same moment, noble Lords abstained from that line of argument which he had known resorted to on other similar occasions, when the numbers of the Catholic petitioners had been represented by their Parliamentary advocates as furnishing additional ground, at least, for due and respectful inquiry into the claims of so important a class of their fellow subjects. He might then venture to remind that House, without the fear of being charged with an attempt at intimidation, that he stood before their Lordships the unequal advocate of four millions of his countrymen, and their fellow subjects—armed in support of the same establishments—in defence of the same gracious King—the joint inheritors with themselves of all the privileges and immunities of the British Constitution. A salutary caution had suggested itself to him from this part of the argument. He addressed it to those, if any such were still to be found in that House, whose persevering hostility to the petition had not been satisfied by the perpetual rejection of every measure of kindness and conciliation which had been offered on their behalf; who appeared to have considered themselves bound, as it were, by a due regard to their own consistency, to a state of eternal warfare with his Majesty's Catholic subjects, and who had been unable, in their mode of considering this question, to distinguish and separate its intrinsic nature and constitutional bearings from their own rooted prejudices, and those justly reprobated doctrines, which, however disclaimed again and again, under the most solemn sanctions, they are

determined still to impute, with injustice the most relentless and persevering, to the religion of the great mass of the Christian World. If there should happen to be in that House any noble Lords whose rare good fortune it has been, in administering the Irish Government, to have wanted the firmness of political constancy in what they have refused to the Catholics, and, in what they have conceded to them, the dignity and the grace of voluntary conciliation—if there should happen to be found amongst them any noble Lords who had ever descended from the high stations in which they may have been placed, to volunteer an unfounded testimony against the Catholic inhabitants of that country, to every individual of which, from former official habits and situation, such noble Lords were called upon in an especial manner to render impartial justice, and to afford equal protection—if, he said, there were any noble Lords to be found in that House, such as he had described, he would only wish to recall to their recollection that decent forbearance and respect for the religious opinions of others, which distinguished their proceedings on the late occasion, as the rule by which to regulate their present conduct, in considering the alleged grievances of that great community of Dissenters from the State Religion, whose petitions were then upon their Lordships' table. Having alluded already to that memorable treaty concluded at Limerick with the Irish Army in October 1691, and ratified under the great seal in April 1692, which gave to the British Sovereign peace, and a second kingdom, and to the other contracting party the fruitful source of bitter disappointment and unheeded complaint for violated faith, he presented himself before their Lordships, armed with this important instrument, to claim for the petitioners at their hands, a just though tardy reparation. In proceeding to prove their case, he should then call the attention of that House to another document, not of equal antiquity, nor sanctioned by the same official symbol of authority—but if the most explicit declarations of the Ministers in both countries, during the progress of the important discussions on the measure of Legislative Union, were to avail aught, as proofs of their own views, respecting the nature of those public objects, to which the accomplishment of that measure was expected to lead, was not the Irish Catholic taught to look forward, with the greatest confidence, to a prompt and just consideration of his own question, as the certain and immediate consequence of an United

Parliament? And when he had been thus prevailed upon, from such prospects as these, to become a party to the surrender of his own Legislature, which confessedly could never have been accomplished without his aid, is it not too late to tell him, that with that Legislature were extinguished all those flattering prospects, and that he had closed the door against himself for ever? Sanctioned thus, as much by the acknowledged and avowed spirit of one important treaty, as by the express letter of another, he had still to produce to their Lordships, on the part of the petitioners, further titles—on each of which, taken by itself, he could almost venture to rest their cause. First, the solemn disclaimer by the six Catholic Universities, in 1789, of all those unchristian and abominal doctrines, the existence of which, as principles of his religion, could alone justify the exclusion of the Catholic from any one civil or political privilege. Secondly, the formal protest, by command of the Sovereign Pontiff himself, in 1791, against those imputed doctrines, when, at the suggestion of the British Government, the exceptionable words were omitted in the consecration-oath of the Irish Catholic Bishops. Thirdly, the testimony borne by our own Statute-book, in the preamble of the Act of 1798, to the character and conduct of his Catholic countrymen. Fourthly, the oaths of allegiance to the King and fidelity to the Constitution, prescribed by the Statutes of 1774 and 1793, and universally taken by all the Irish Catholics. And lastly, the strong and incontrovertible evidence, which every successive relaxation of the penal code has continued to furnish, of the conviction of the Legislature, increasing and confirmed, respecting the assured loyalty and perfect trustworthiness of the King's Irish Catholic subjects, as members of the Protestant State. To the claims of the petitioners, founded on such titles as these, to a full participation with themselves in every constitutional privilege and capacity, what were the objections which he was to anticipate? If arguments were to be counted, and not weighed, the cause of the Catholics would indeed be hopeless; nothing had been left unsaid against them, which human ingenuity could suggest, or credulity itself affect to believe—imputations the most unfounded—charges the most contradictory—idle doubts, and causeless apprehensions, have continued to mark the lingering retreat of prejudice and bigotry, and the slow and impeded march of truth, wisdom, and philosophy. Was it fitting that he

should exhaust their Lordships' patience by a repetition of all those calumnies which have issued forth, at the appointed seasons, in the shape of arguments, in strong army, against the petitioners? and which, though beaten down by evidence the most convincing and conclusive, they had seen return to the charge again and again. Must he be prepared to demonstrate, by a regular chain of proofs, that the doctrines of the Roman Catholic Church do not enjoin or justify, in any possible case, the breach of that sacred obligation which binds man to man, and is the strongest cement of human society—that Catholics are not, of necessity, and from the very nature of the religious opinions which they profess, faithless members in every Protestant community—that they are not bound to the subversion of that property, the present arrangement of which they feel to be their own best title and security; nor to the overthrow of those establishments which they had so solemnly sworn that they would never assail? Could it be necessary that he should consume the time of the House, by pressing again upon their attention, those arguments by which he endeavoured to shew, and he trusted not without some effect, when he had before the honour of addressing their Lordships on behalf of the petitioners, that the so much relied upon Corporation and Test Acts which they had already repealed and modified, from time to time, in favour of the Dissenters from the State Religion of every description, are not to be set up, at this day, as insurmountable obstacles against a continuance in the same course of legitimate concession? And lastly, Was he to expect to hear it still resounded in his ears, in the same solemn tones, that, because the settlement of 1688 established the principle of a Protestant King, the principle of an exclusively Protestant Parliament must, of necessity, be inferred as an inseparable consequence, when they had already recalled the Irish Catholic to his just share in the choice of that representative body, by giving him back the elective franchise; and whilst his constitutional capacity to hold every civil and military situation had been restored and recognised by the general repeal of all existing disabilities in 1793, what species of reasoning was it, which would give to the exceptions created by that Act, the character of fundamental exclusions, unchangeable and eternal? But what, he would ask, were those apprehended dangers against which the penal code was to have afforded us its protection? If they

were to be searched for in the fears of a disputed succession, and the claims of an exiled family, had they not long since entirely ceased to exist? The claimants and their titles sleep together in the peaceful grave—extinguished and forgotten. How long was that injurious system of restriction to survive those very dangers which it was devised to meet and obviate? He was now arrived at the last and only remaining objection—the doctrine of the Pope's Supremacy as head of the Catholic Church: and if on any just constitutional principles the direct and unqualified denial of that position was of necessity to be an indispensable preliminary to the full admission of the petitioners into all the powers and privileges of the State, he must be content to leave them for ever as they are, excluded and shut out; for ceasing to maintain the unity of their Church under the same spiritual head, they would desert an essential doctrine and distinguishing characteristic of the Catholic faith. Let, however, this formidable ground of objection be examined, and let it be seen in what it consisted. To give it weight, it must consist either in the refusal to the Supreme Magistrate of our own state, of something that is necessary to his own power, or that it is requisite for the benefit of the public that he should possess, or it must consist in giving to the head of a foreign state some quality, power or pre-eminence, the exercise of which may be dangerous to our own. It had been urged by some persons, that he who denied the supremacy of the King as head of the Church, was a traitor; but he could not discover where it was to be found that this supremacy was conferred; neither was this supremacy acknowledged by the Protestants themselves. In refusing, therefore, to affirm this supremacy in a Protestant King, the Catholic did no more than the Protestant, and refused nothing which the Protestant affirmed. By what Act was the Protestant called upon to acknowledge in the King any ecclesiastical supremacy, or what single act was the King capable of doing in affirmance of such supremacy? What orders could he give in Ecclesiastical matters? Could he alter the Liturgy of the Church, or the Form of Prayer as established by law? The King might, it was true, order a fast, or a form of prayer on such an occasion; but could he add to, or exclude a single letter in the Canons or Articles of the Church? In Ecclesiastical appointments, undoubtedly, the King enjoyed a power, but only in common with other lay patrons, by whom Ecclesiastical

persons were presented to benefices; and even the high rank of Bishop was, it was well known, disposable by the authority of a layman. What then of value, either to the splendour of the Crown, or the good government of his people, did those take from the King who refused to assist his spiritual supremacy? The difference between appointment and ecclesiastical investitures, was well known to every one. It was well known that the appointment or presentation to a benefice by a lay patron, was not complete without the institution of the Ordinary or Bishop of the diocese, and no lay patron considered his rights infringed upon, or rendered less valuable from the necessity of having such a confirmation from the spiritual power. In refusing, therefore, to affirm spiritual supremacy in the King of the Protestant state, the Catholic took from him nothing of value. In the Catholic Church, the power of Ecclesiastical institution or investiture undoubtedly rested with the Pope, or the person representing the Unity, which was essential to that Church: but in acknowledging this, what of value was given to a foreign power? The institution or investiture, it was well known, could not be refused except for good canonical reasons. The power of appointment was undoubtedly not given, nor was this power ever acknowledged to belong to the Sovereign Pontiff as an avowed part of his spiritual power. It was indeed scarcely now claimed. It had, he acknowledged, being formerly repeatedly claimed with great warmth and vehemence; but the claim had been resisted with equal pertinacity, and with success. To prove this, they need only look at the well-known liberties of the Gallican Church and the decision of the Council of Trent, which completely set the question at rest. In that Council it was remarkable, that while the Italian Bishops, those whose sees were adjacent to the territories of the See of Rome, supported this claim of the Sovereign Pontiff, the Spanish and Portuguese Bishops, who were considered as the most bigoted of the Catholic Church, effectually resisted, and by the decision of the majority of that Council the question was finally settled. The acknowledgment, therefore, of the supremacy of the Sovereign Pontiff, or the person who represented the Unity of the Catholic Church, did not give him the power of appointment. With respect to the Catholic Prelates of Ireland, they had hitherto been appointed upon a principle

of election, or rather of selection, and these appointments had for a long series of years being strictly domestic. No body of men had ever acted with more propriety than the Catholic Prelates of Ireland; and he could confidently appeal on this head to those noble Lords who had administered the Government of Ireland, and who had always found the assistance and influence of those Prelates a most valuable resource. He had no doubt, and upon this point he could not hesitate to give a solemn pledge to the House, that if the Irish Catholic Bishops were called upon by a proper authority for that purpose, they would have no difficulty in proposing an arrangement to obviate any objection to the interposition of a foreign power They had not, on a late occasion, thought it right to volunteer any proposal for an arrangement of this nature: but if now, or at a future period, their Lordships should happily agree to enter into the consideration of the Catholic Petition, whenever the happy moment should arrive, that the prejudices against the Catholics should give way to the justice of their claims, then the Prelates, when called upon from authority, would be ready to propose an arrangement under which the appointments of the Catholic Bishops should be effectually domestic, remaining of course for the spiritual investiture of the Supreme Head of the Catholic Church. Such an arrangement would obviate all objections; and he was convinced that if the Legislature were disposed to concede the claims of the Catholic, there would be found in return, on the part of the Catholic Bishop, every disposition in conciliation. His Lordship then alluded to the Militia Interchange Bill, in progress in the House, and observed with regret that the Catholic soldiers of the Irish Militia had been refused an enactment for the free exercise of their religion. He was aware that an order was to be issued by the Commander in Chief for that purpose; but a similar order had long existed in Ireland, and yet, notwithstanding that order, a Catholic soldier, in the Artillery, had been confined for refusing to attend the service of the Protestant Church. Another order was then issued, but it was of little use issuing orders if they were not obeyed. A legislative enactment would have prevented the recurrence of any act of a similar nature. He did not mean to object to the Bill; it was a measure of strength, and he was disposed to support those measures which gave strength to the Government; but the refusal to make any legislative provision in it for the free

exercise of their religious worship by the Catholic soldiers of the Irish Militia, formed in his mind a strong objection to it. It was stated, that they were to enjoy the same privileges that they now did: but what provision was there made for that enjoyment? The means were easy, if the Government would use them; let them appoint Catholic chaplains, in order that the soldiers of that persuasion might have in truth the means of the free exercise of their religion. His Lordship, after apologizing for taking up so much of their Lordships time, concluded by moving to refer the petitions to a Committee of the whole House.

The Earl of Longford was of opinion that it would be better to postpone the consideration of the subject to another opportunity, when it would be less likely to create agitation and alarm amongst the majority of the people of the United Kingdom than at present. He was ready to acknowledge the respectability of many of the Irish Catholic Bishops, but he could not consider the arrangement mentioned by the noble Earl as at all adequate to the purpose for which it was proposed, as, if the Catholic Bishops were to be placed within the patronage of Government, their situations would become the object of ambitious contest, which would by no means tend to that harmony to which it was supposed the arrangement would lead. His Lordship strongly objected to the proceeding at a Catholic Meeting, of addressing the Prince Regent to remove the Lord-Lieutenant of Ireland, who was not the Lord-Lieutenant of the Catholics, but of the Country—and a country in which, though the majority of the population were Catholics, the greater part of the property and influence was in the hands of Protestants. An objection to the mode of proceeding now sought to be adopted, which in his mind had considerable weight, was, that the powers of the Constitution were not complete. Undoubtedly they were nearly so; but still a measure of such great importance ought not to be proceeded in, until the powers of the Constitution were complete and in full activity.—We could not distinctly hear many of the observations made by his Lordship, who concluded by declaring his dissent to the motion.

The Marquis of Downshire supported the motion, and spoke to the following effect.—Agreeing, as I do most decidedly, with every part of my noble friend's most luminous and able speech, there remains little for me to say that can add to the great body of information your Lord-

ships have gained on this subject this night. My anxiety, however, for the success of the cause, and the strong desire I feel to appear, as I hope I really am, an earnest supporter of the rights of my countrymen, will, I hope, plead my excuse for begging your Lordships' indulgence for a short time. There cannot, I think, be adduced a stronger reason in favour of my noble friend's motion than the present contest on the Peninsula; and as that contest is not likely soon to terminate, is it not an additional reason for conciliating and satisfying the minds of the people of a country, out of whose very vitals, I may say, are derived the means of carrying on the war. For, my Lords, a very large proportion of the Army is composed of Irish Roman Catholic soldiers. These are the men whose bravery and noble conduct your Lordships have already not long since extolled, and yet they are to be refused a participation in the rights and privileges of their country. Our gratitude demands of us to grant their request; and I am convinced, from my residence in Ireland, and the knowledge I have of the Irish as a people, that they are more susceptible of any kindness and attention than any other nation; and if they are so, as I can most truly say I have always found them in private transactions, what must they not feel towards this country, in return for their requests being granted, and their just rights being acknowledged? For these reasons, and for many others which I will not at present trouble your Lordships with, I feel it my duty, as a Peer of these kingdoms, to give my vote for my noble friend's motion.

The Marquis of Lansdowne observed, that after the speech of the noble Lord (Longford) on the other side, he could not give a silent vote on the present occasion, especially as he had said nothing when this question was last before them. He differed widely from that noble Lord when he stated the jealousy that existed with respect to these claims, as a reason why they should not be discussed. On the contrary, it was because there did exist such a jealousy—because the question had been made repeated foundation of alarm, for which there was no real ground, that he was most anxious it should be discussed; for he was convinced that the more it was canvassed, and the better it was understood—the sooner would that alarm be extinguished, which on some occasions, from the best motives, on others from the worst, had frequently been

excited.—The noble Lord had said, that he did not wish to suppress the Catholic religion, but to support the Constitution. Catholic disabilities, however, formed no part of the Constitution—(*Hear*! *hear*!)—the Constitution did not rest upon a system of exclusion—(*Hear*! *hear*!)—It was true that on grounds of expediency, the propriety of which he would not then discuss, the benefit of the Constitution had been suspended as far as respected particular classes. But the spirit of the Constitution required an equal enjoyment of all rights and privileges, provided the State was not endangered. He considered it as immaterial whether these claims were put upon the foundation of right or expediency—for there could be no right, if the State should be endangered by acceding to them; if not, the right manifestly existed; but their Lordships and the other branches of the Legislature were the judges whether there really was any ground of apprehension. They were to consider where the danger was now to be found. He could not agree with the noble Lord (Longford) in considering the powers of the Constitution as incomplete, when they had been established by an Act of Parliament; but at any rate there was nothing in the present circumstances that rendered it improper to discuss this subject. Their Lordships had now to consider whether, when the reasons which had given rise to these disabilities no longer existed, they were in these times not only to shut out the Catholics from their fair share of the privileges of the Constitution, but to deprive themselves of the services of the most numerous class in a part of their dominions which produced as much genius and talents as ever distinguished any portion of the globe. (*Hear*, *hear*!) With regard to the danger of granting these claims of the Catholics, he knew no way of judging, except by a reference to their opinions and conduct. As to the principles and opinions of the Catholics, he conjured his noble friend not to take them from any other mouths than their own; for he was aware that a meaning had been ascribed to certain Catholic tenets, which they themselves denied, and consequences were drawn from them which they abhorred. They had a right to be judged by the principles which they professed; and professed not merely with a view to the present question—not for the purpose of conciliating their Lordships—but professed on all occasions, and in all countries for the last hundred years. The alarm arising

from the sense which might have been affixed to some Bulls of Popes, and Decrees of Councils, had not been confined to Protestant countries only. Even in Catholic countries an explanation and disavowal had been called for. In France, about 130 years ago, a disavowal had been made of those obnoxious doctrines which were now imputed to the Catholics. No Pope, for the last 130 years, had upheld them, and they had been disavowed by others in every instance in which they came under consideration. Where then was the justice of going back to Councils and remote times to impute to the Catholics the holding of tenets which they no longer entertained, especially when their actions were in direct contradiction to such as would naturally result from such tenets? Why should such means be resorted to for the purpose of exciting a suspicion that the conduct of the Catholics would be different from what was their actual practice? Adverting to the alleged influence of the Pope, his Lordship observed, that the Catholics considered that as confined solely to spiritual matters. This they professed; and if their conduct had been of late in opposition to such professions, then the truth of them might be doubted. But, in the history of modern times, notwithstanding the pains that had been taken, the research that had been employed for the purposes of this question, had there been found a single instance of the production of a great political effect that could be ascribed entirely to this influence? In the great political changes, in the radical revolutions which had occurred in the last century, where was the mighty effect of the power of Popes and Councils? Had it prevented the dissolution of the Germanic body? had it prevented the French Revolution, where the interests of the Pope were so much concerned? Or had this dreaded power been inactive and dead through all the storms which agitated the Continent, to be revived and called into exertion in a remote corner of the world to affect the interests of England? The inefficacy of that power as to political matters did not then rest merely on the professions of the Catholics—it was proved by their own conduct, by indisputable facts. With every desire for the permanent security of the State and the Church, connected as they were, he felt no dread of a power the effects of which were no where to be found. But it would be injustice to the Irish Catholics to say, that their conduct had been of a negative description. He begged their Lordships to consider what it had been during

these last ten years, while this question had been in agitation. And here he must observe, that though it had been said that this was the same question brought under discussion from year to year; it had been, in reality, a new question every year, for it always had come supported by fresh proofs of loyalty, always by fresh services of a kind not only useful to the country, but almost essential to its existence. Ten years ago a distinguished political character had retired from office because unable to do justice to the Catholics. Then followed the war, attended with the dread of invasion; and that war was still raging. By whom was it to be carried on? Upon what foundation did the contest rest but on a large proportion of Catholics? And if it was important to defend the State and the Church of England, it would be well to recollect by what arms they were defended. Their Lordships would look at the Peninsula, where, it was said, the contest was carried on for the salvation of the country, and mark how much was owing to the exertions of the Irish Catholics. Was it just or fair to be so suspicious of the loyalty and allegiance of the Catholics, or to doubt of their attachment to that country in defence of which they shed their best blood? Those who had perished in the cause had at least done this good, even if their merits had not been so conspicuous on other grounds, that they had increased the feeling of confidence with which their surviving brethren should be regarded. They had full security that the oaths of the Catholics were held by themselves to be binding. In 1791 the Catholics had been admitted to various privileges upon the security of their oaths. Where was the mischief here from the influence of the Pope? To deny that the Catholics were to be credited on oath, was to imitate the example of the metaphysicians who required as the ground of their reasoning, that their antagonists should disbelieve the evidence of their own senses.—They had only to judge of the professions of the Catholics by their conduct. The noble Lord had alluded to the difficulties that occurred with regard to the securities necessary for the preservation of the Established Church. For sufficient securities on that head, he should be as much disposed to contend as any; but it was not surprising that there should be some jealousy as to the particular plan: The Catholics had, perhaps, seen Lord Lieutenants, and other officers of Government in Ireland, rendering even the Protestant Church the vehicle of political influence; and it was natural for them to imagine

that the Catholic Church would not be used for any better purpose. But their apprehensions, he was convinced, were confined to the undue exercise of political influence in their own Church. The great body of the Catholics of property—he did not allude to any particular meeting of Catholics—but the great body, he was convinced, felt as strongly inclined to oppose foreign influence in the nominations to their Churches as their Lordships. But the plan would be the subject of discussion in the Committee. There they might consider what securities were necessary; and without such securities, their Lordships would certainly not grant this great boon. But that something should be done to restore to the Catholics the privileges of the Constitution, there could be no doubt. Their honourable ambition to serve their country in the highest situations ought unquestionably to be gratified. This was essential to the completion of the measure of the Union. He had the authority of a distinguished statesman concerned in bringing about that Union, that its good effects depended upon the admission of the Catholics to all the benefits of the Constitution; and he had illustrated that sentiment by the emphatic quotation from Virgil;

> Non ego, nec Teucris Italos parere jubebo,
> Nec mihi regna peto: paribus se legibus ambæ
> Invictæ gentes æterna in fœdera mittant.

It was essential to the peace and security of all, that the Union should be thus completed. It was essential even for the security of the Established Church as well as the State, which depended in a great measure on the exertions of those who were the objects of this petition. When all their just claims were acceded to, they would be bound to the interests of the whole country by gratitude for the past and confidence as to the future.

Lord Redesdale adverted to an accusation against him, of partiality in his administration of justice while in office in Ireland—an accusation which he said was most unfounded and unjust. He maintained no man had ever administered justice more impartially, whether the parties were Catholics or Protestants, than himself. With regard to the general question, it had been brought forward merely for political purposes—and he was persuaded that the great body of the Catholics were not disposed to agitate a question where they could not hope to succeed. The noble Lord who opened

the debate had adverted to the treaty of Limerick. That treaty was made subject to the confirmation of Parliament, which had confirmed it merely as far as it thought proper. But it had been infringed by the other side—for one great object was to keep the army in the country, and yet it went abroad and served the enemy. He denied that the Minister could have given any pledge to the Catholics that these claims should be granted.—No Minister could pledge himself to procure the sanction of Parliament. Indeed, he heard that the very reverse had been stated—that a reverend gentleman put the question while the measure of the Union was in agitation, whether it was intended to remove the disabilities of the Catholics, and that the answer was, that there was no such intention; that Lord Farnham had made a speech in the House of Lords in Ireland against the Union, arguing that if it was agreed to, the disabilities never would be removed, as the English would never accede to such a measure—and that the noble Lord himself published this speech and circulated it all over Ireland. The great Statesman who retired in 1801, did not assign to him (Redesdale) as the reason for that proceeding the impossibility of fulfilling a pledge to the Catholics—and as to the plan of security, he had only to state that the person to whom he alluded had declared to him, a few months before his death, that he could conceive no plan whatever, by which a sufficient security could be provided for the Established Church, in the event of the Catholic claims being granted. The Constitution was essentially Protestant—it could not bear a Catholic Sovereign, and how much less a Catholic Minister? He would not say that the obnoxious doctrines were now held by the Catholics; but that they were once the tenets of the Catholic Church, was proved by the evidence of all history. Let them give up the doctrine that no one could be saved out of the pale of their own Church, and then, perhaps, they might have a chance of success; but till they did this, they could not safely be trusted with political power.

The Lord Chancellor bore testimony to the merits of a noble Lord (we believe Lord Redesdale); but he thought it but just to say, that the noble Lord had misunderstood what had been said by the noble Earl to whom he alluded.

The Earl of Donoughmore explained.

The Bishop of Norwich thought the nation was called on to take every opportunity of conciliating the dispositions

and gratifying the expectations of the Catholics of the empire. He was fully sensible of the superior qualifications of many of the noble Lords who now heard him, to do justice to the cause which he was supporting; but as it had been the fashion of late to represent those who advocated the claims of the Catholics as men who either misunderstood or were enemies to the interests of the Established Church; and as it had been said, that the Ministers of the Established Church had set up the loudest cry against those claims, he, for one, felt himself called on to deny that he had any participation in the opposition to them. So numerous a body of men would not, in other nations, he believed, be refused the privileges of citizens. He did not wish, in an assembly like this, to make statements which should rest on vague or insufficient authority.—They might look to the Continent of Europe, where they could find that in Catholic countries, the highest offices of the state had been filled by Protestants.—Here he enumerated, among others; Neckar and Marshal Saxe, in France, and Wurmser in Germany. He referred particularly to an Edict of a late Emperor of Germany, in which there was a maxim expressly laid down, that the only qualification for filling civil and military appointments was the ability to discharge the necessary duties of these appointments, without the least reference to religion. Such was the conduct of the Catholics to the Protestants. But what was our conduct to the Catholics? They had been excluded from every office of consideration in their country: year after year a deaf ear had been lent to their petitions. It had been said, that he had not only rashly differed in opinion with those of his brethren who sat on the same bench with him, but that he had also been unfortunate enough to differ from the sentiments of the two Universities, and the almost universal opinion of the members of the Established Church. This was a difference of opinion sincerely to be regretted by him. —No love of contradiction could induce him willingly to differ in opinion with wise and good men. When such a difference of opinion took place, it was at all times to be looked on in the light of a misfortune. It was, however, some consolation to him, that if he had the misfortune to differ in opinion with many of his brethren on this question, he happened to coincide in opinion with some great characters whom he should always look up to with sentiments of respect and almost of veneration. He could indeed lay claim to no originality of thinking on this subject; for there

was not an argument, hardly even an expression, which he had used, or which it was possible for him to use, that had not already been made use of by others who had preceded him. Here he stated the opinions of several divines (we believe Taylor, Hoadley, and Archbishop Wake) who had delivered sentiments widely different from the acrimonious invectives which had been so often uttered against the Catholics, full of mutual love and mutual forbearance. With respect to what had been said of the hostility of the two Universities to the claims of the Catholics, he knew there were many exceptions to this universal hostility; but be the opinion of the Universities what it may, he thought it could never, with any propriety, be brought forward in answer to the Catholics' demands. The members of these Universities were, for the most part, men of retired and studious lives, not the most conversant in political affairs, certainly by no means so familiar with them as many of their Lordships on both sides of the House. That he might not, however, appear to flatter the living, he would appeal to the dead; and on such a subject as this he could not help thinking, that the opinions of such men as Mr. Burke, Mr. Pitt, Mr. Fox, and Mr. Windham, ought to carry more weight than all the opinions of all the Universities and all the Divines in the kingdom. For his own part, he had spent the greatest part of his life among those learned men; and he was ready to give the highest testimony to the noble sentiments with which he had always found them imbued. He was ready to bear every testimony to their disinterestedness, to their freedom from every thing like avarice or ambition; but it never was his conviction while amongst them, that either they or he himself had any pretensions to the character of Statesmen, and he could not help being persuaded that the wisest of them looked upon their qualifications in the same light that he did. It had been customary to accuse those who favoured this measure of a want of cordial attachment to the Established Church. If by attachment to the Established Church was understood a deep-rooted conviction that its form of worship, that its doctrines and discipline were more pure than those of any other establishment, no man could be more attached to the Established Church than he was: but if those who made this accusation were not satisfied with this, and called upon him to say that those who maintained a religious opinion differing from this, were grossly ignorant, were unfit to be trusted; that

two thirds of the population of Europe, and one-third of the population of this empire, were labouring under the grossest idolatry; that a religion which many good men now living professed their belief in, and which had been professed by many men now no more, as pious and learned, and as good subjects as any of those who now heard him; by men who not only adhered to it themselves, but, from a conviction of its truth, endeavoured to diffuse it among their nearest and dearest relations, and seemed to feel it as their chief consolation in the hour of death; if he were called on to express his attachment in this manner, he frankly declared that he could express no such attachment, for he could not feel it. (*Hear!*)

Lord Buckinghamshire said he did not rise for the purpose of answering the speech of the right reverend Prelate, but to state the ground upon which he should resist the motion for going into the Committee. He must always be of opinion that so long as the Catholics acknowledged a foreign supremacy in spiritual matters, it would not be possible to allow them to make laws for the people, or to have a share in administering the government of this country; nor could he agree with the noble Marquis (Lansdowne), who had spoken with his usual ability, that by the quiet submission of the Catholics for the last ten years under the rejection of their claims, they had substantially removed any of the objections, or established additional argument for the accomplishment of the object of their petition. It might as well be urged, that the advocates for the wildest notions of parliamentary reform, universal representation for instance, should ultimately prevail, provided the occasional failure of their efforts to carry it in Parliament should not be followed by the disturbance of the public tranquillity. His Lordship then proceeded to draw the attention of the House to the doctrines and principles which had recently been promulgated upon the subject of religious liberty, and Catholic rights, which he described as of an alarming and dangerous tendency. Without entering further into that subject, his lordship said he would observe, that, if the rights asserted, existed now, they must always have existed, and every man who had forfeited his property on account of his religious tenets had in that case been unjustly dispossessed; that even the right of the House of Brunswick to the throne would be shaken to its foundation by such a doctrine; for, that right rested upon a principle in contradiction to this

assumed religious right, and was incompatible with it. Lord Buckinghamshire could not, with the right reverend Prelate, look at the conduct of foreign governments as affording an example for this country to follow. He could see nothing in the proceedings of any of them which called for our imitation. Whilst they had successively fallen under the power of France, we had maintained our honour and our independence: the storms that had ruined other nations, we had weathered. Whilst they were sinking overwhelmed by the torrent which had poured down upon them, we had arrested its force, and were enjoying a degree of happiness and prosperity almost unexampled. Such was our situation; and to no circumstance was it more decidedly to be attributed, than to our having steadily determined to preserve the Constitution from the daring hand of innovation, and especially to oppose every attempt to violate those principles that were wisely established at the Revolution. He trusted their Lordships would not relax from the firmness they had manifested, and from which they had derived advantages that were inestimable.—Lord Buckinghamshire said he could not sit down without adverting to a topic which had been introduced into the speech of a noble lord (Lord Longford) who spoke second in the debate; he alluded to the Address of the Catholics to the Prince Regent for the removal of the King's Representative, on account of an alleged interference with the right of petitioning their Lordships' House, although it was perfectly well known at the time, that no such interference was intended.—Lord Buckinghamshire did not mean to question the right of any part of his Majesty's subjects to address the Executive Government upon proper occasions: but there was something in this proceeding extremely questionable; and when he observed the Catholics, just at the dawn, as they supposed, of arriving at the attainment of their professed objects, pursue a course so calculated to excite alarm, he must say, that all the apprehensions he had ever entertained, of what their conduct would be if efficient power was placed in their hands, had been confirmed and strengthened.

The Earl of Aberdeen would confidently appeal to the House, if the present situation of the country was such as to render it proper to accede to the present application. From this part of the noble Marquis's (Lansdowne) speech, he could not but differ, agreeing as he did most cordially in

most of the sentiments this night delivered by him. Although he should feel himself bound to vote against the motion on the present occasion, he was convinced that a time would come when the Catholics would ultimately succeed. He could not but lament, however, that the Irish Catholics had not imitated the example of their English brethren in their exemplary and meritorious conduct, who possessing many of them rank and wealth, and with every claim to the favour of the House, had yet abstained from pressing any petition similar to that at present on their Lordships' table. If this question were of material importance to the present safety of Ireland, they would not be justified in any delay; but it would not be believed, he maintained, by the most sanguine advocates for the Catholics, that the immediate effect of the present measure, if acceded to, would be important to that country. The noble Earl who opened the debate had detailed the services of the Catholics, and the readiness with which they would willingly make every requisite sacrifice that might be demanded from them. He had no intention to depreciate the services of the Catholic Body; but he must observe, that there was much to reprehend in their conduct; that they had shewn a want of unity and a spirit of dissention among themselves; and that by their obstinacy, and their desertion of former pledges, their conduct was but little calculated to conciliate those who might be disposed to look with a jealous eye towards them.

Earl Spencer expressed his satisfaction, that the noble Earl who had just sat down had shewn himself a warm and anxious friend of the sentiments in the petition on their table, though he might differ as to the propriety of the present application. He was happy to find that his view differed entirely from that of the noble and learned Lord (Redesdale) who delivered his sentiments early in the debate. That noble and learned Lord had stated a circumstance which made it necessary for him to trouble the House at present. He had stated that a great Statesman, now no more, had not quitted his situation on the grounds for which the public generally believed he had quitted it, and which, he must take the liberty to say, were not only believed by the public, but by those with whom that great man had been several years in office, of whom he unworthily was one. He had been six years connected with that person; and whatever share of his confidence might be enjoyed by

the noble and learned Lord, he thought it would not be presumption in himself to state, that he was in a situation to have so much of his confidence as to be able distinctly to declare, that this was not only the opinion of the public, but the opinion of his colleagues. He had also the strongest reason to believe that the grounds assigned for his leaving office were the only grounds for his doing so; and it was on these grounds that he had thought proper to join with him at that time. It was of little consequence, indeed, what were the motives and what was the conduct of himself at that period; but he could not help feeling a regard for the memory of that illustrious Statesman, with whom though he had at some times differed on some material points, it was the greatest honour of his life to have been connected with. This was the true ground of the resignation of that Statesman; and he could not help thinking that, except for a cause of such importance, he would not have been justified in leaving his Majesty's service at that critical moment. He thought he should not have done his duty if he had not noticed the statement of the noble and learned Lord, which differed entirely from what was his own understanding of the matter. He would appeal to a noble Lord who had come in since the declaration alluded to (Lord Grenville, we believe), whether the grounds which he had stated as those by which Mr. Pitt was actuated at his resignation were not the real grounds of that resignation. He did not wish to enter into the consideration of the Catholic question, to which he felt himself unable to do justice; but as a reference had been frequently, in the course of this and former debates, made to the measure of the Union, and to the pledges then supposed to be made to the Catholics, he would say that undoubtedly those who were concerned in that measure, and in saying this, he believed he would not be contradicted, did contemplate a greater facility in the Union of the two countries for the admission of the Catholic Claims, than while they remained separate. He did not say that any distinct pledge had been given to the Catholics; but this was the conviction which he, for one, entertained at the time, and, entertaining such a conviction, he was bound to profess it. On this subject differences did indeed exist in his Majesty's Councils; but all along it had been his opinion, that the difficulties in the way of the Catholics would be greater when not united with this country; and that the great measure in their favour would

be much easier carried through in a united than in separate parliaments.

Lord Redesdale expressed his meaning to have been, that he had been told by Mr. Pitt, that there were so many individuals in the way of any measure in favour of the Catholics, that he could not see any possibility of carrying it through.

Earl Camden stated the reason of Mr. Pitt's retiring from office in 1801, to be his inability to carry through the measure in favour of the Catholics.

Lord Grenville was astonished that any person could be hardy enough to call in question the circumstance of Mr. Pitt's having retired from office in 1801 in consequence of his inability to carry through his proposed measure in favour of the Roman Catholics. He never would, therefore, hear these insinuations thrown out against the memory of his departed and revered friend, without rising to repel them, and to contradict aspersions so injurious to his fame.

The Lord Chancellor began by adverting to the statement of Lord Donoughmore, who, he was convinced, had been misunderstood by his noble friend (Lord Redesdale), and said he was not one of those who ever had, or ever would consider this merely as a question of time; his objections were of a different nature, and whether he should be accused of bigotry or not, he would never shrink from avowing them. Many unfortunate controversies on this subject had taken place out of doors, and many expressions had been used that night, which he deeply regretted. The noble Lord (Grenville) had lamented that the measure now proposed had not been adopted in 1801, and had asserted that Mr. Pitt was decidedly favourable, at that period, to the claims of the Catholics, and that affection for his memory, alone, prompted him to state this on the present occasion. He believed he himself entertained as warm an attachment to the memory of that great Man, and had shewn it as fully as the noble Lord. He did not know whether he was sufficiently in the confidence of the Cabinet in 1801, but neither then, nor at any subsequent time, in all his various conversations with the distinguished Person, now no more, had he been able to learn from him what were the securities in his mind against the dangers to be apprehended from the removal of the Catholic exclusions. (*A laugh from the Opposition bench.*) Noble lords might laugh; he

was glad, however, that he possessed the quality of not being easily put out of humour. The House was told last year, by the advocates, themselves, of the Catholics, that in yielding to their claims, many safeguards must be previously provided. He denied the possibility of discovering and establishing these safeguards; the *veto* itself had been refused to be conceded. (*Hear! hear!*) God forbid that he should ever be disposed to withhold privileges which might be safely communicated. But the point to be now decided was how far it was safe to grant them, or open the way to consequences, the end of which it was impossible to predict. The effect of going into a Committee might be either to awaken hopes which never could be realized, or to excite fears and jealousies which never could be allayed. He would ask what securities were in the contemplation of those who supported the motion for a Committee, for the defence of the Established Church? He felt a great respect for the noble Lord who opened the debate; but when looking as a lawyer into the Statute Book, or when perusing his prayer book, he could not accept his doctrine of the British Constitution upon the consideration merely that it was the doctrine either of Mr. Pitt or Mr. Fox. Did noble Lords recollect the causes of the Revolution in 1688? That Revolution was brought about in consequence of those very tenets and doctrines, the existence of which was now denied. (*Hear! hear!*) For the first time he had also heard this night the King's supremacy controverted. This was a new opinion, and the most surprising of all that had been urged on this or on former occasions. He differed widely from the reverend Prelate in his conclusions from the quotations he had cited, and would not hesitate to say that he would give that reverend Prelate, if he desired it, page for page in support of his opinions. When he reminded the House, then, that the only safeguard ever proposed or divined was the *veto*, and that this *veto* had been withheld, was he not warranted when he affirmed, that he stood on the strong ground of the principle of the Revolution—of that Revolution which was made for the preservation of civil and religious liberty, that it might be handed down to posterity—when he opposed a measure which affected to aim at every thing, but in fact looked to nothing fixed or determined? He cared little for the representations which might be made of his sentiments, or for any appellations of monk or bigot which might be bestowed on him.

These were the grounds on which he should oppose the motion, and he was satisfied with having fairly stated them.

Lord Holland fully concurred in the definition of the noble and learned Lord on the nature of civil and religious rights. They belonged naturally to all classes, and when withheld, the *onus probandi* lay not on those to whom they were denied, but on those by whom they were refused. Upon this principle, then, all parties were agreed; and he was glad of it, because it was one on which he had often been misunderstood. And, indeed, although he certainly thought that the discussion of abstract rights was generally to be avoided, yet there were occasions, and this was one, when an understanding and concurrence in fundamental principles were indispensably necessary. The noble and learned Lord had founded himself upon the Revolution; he believed that if his education had not been of that nature as to enable him to cope with that noble Lord in all the depths of legal knowledge and research, it had at least disposed him to regard with an admiration surpassed by none, that great and glorious event. The noble and learned Lord had, in his observations, libelled the character of the Revolution, and entirely misrepresented the causes that produced it. (*Hear! hear!*) What! was it to be said that it originated in a dispute between contending sects? Was it indeed to be traced even to the question of a Catholic or a Protestant King? No, very far from it. It was a great struggle between tyranny on the one hand and freedom on the other—it was a contest between king and people. (*Hear!*) Let the issue be searched for in the Bill of Rights, which gave the death-blow to that famous doctrine, that the interests of the governed were secondary and subordinate to the interests of the governors. The noble and learned Lord (Redesdale), however, whose legal habits might have rendered his conclusions more correct, had ventured to assert, that the repeal of the Test Act would overturn the Bill of Rights. He challenged him to shew it. Did he remember, that at the time of the passing that Act, a motion was made to prohibit any future alterations in its provisions, and that this motion was lost by a large majority? or had he forgotten, that when the Union itself was under discussion, a proposal to make the Test Act a part of the Union, was likewise rejected? The noble Lord had said that all the essential parts of our Constitution

were Protestant, and that it had been secured by the Test Act.—During this long struggle, therefore, which had taken place in this country between Catholic and Protestant, it was not till the passing the Test Act that the country had a Constitution. (*Hear! hear!*) The reasons of the noble Lord against the motion for a Committee, appeared to him to be the best arguments for it; and nothing could be more unreasonable than to require all the details which might be there entered into, to be laid before them as a preliminary to the appointment of the Committee. The noble Lord who spoke second in the debate, objected to the mode of proceeding by petition. Was not this proceeding then the unalienable right of the subjects of the empire? The noble Lord said also, that the present was an improper time, and that at another period his objections might be removed. He (Lord Holland) was apprehensive, however, that in thus wishing for more time, he was anticipating an opportunity of finding out some better arguments on the same side, than those which he had urged that night. (*A laugh*) The noble and learned lord (Redesdale), although he had carried his warmth to an excess, had evidently misunderstood his noble friend (Lord Donoughmore), who had never intended to accuse him of partiality in his judicial duties. In that noble Lord's remarks on the Treaty of Limerick, he must say, that however warm a foe he might be to his Holiness the Pope, he doubted if that Pontiff had ever proved himself a greater enemy to oaths and treaties than the noble Lord himself. What did the history and result of that treaty prove, but that the Irish Catholics, after surrendering their last hope, had been wronged of the conditions in their favour, upon the flimsy pretence, that the sanction of Parliament was wanting to them? Without referring to the supposed declarations of individuals, or to any implied pledge, he felt himself justified by an appeal to the letter of the Statute of the Union. He had been the first to press the claim of the Catholics on the attention of the House after that event, and was then told by several noble Lords, that he had produced no petitions to shew that it was the desire of the people at large. The noble and learned Lord had said, that he never could extract from Mr. Pitt his opinions as to the securities required. But the noble Lord would surely not consider the silence of Mr. Pitt to his inquiries, as evidence against his declarations and avowed opinions at different periods. (*Hear, hear!*) As to

safeguards, it would be most absurd to go in search of questions for controversy even before the House had signified or expressed any disposition to concession. The noble and learned Lord would have done better in proving this to be a question of theology, than in sneering at the reverend Prelate for stating that he considered it merely a political one. (*Hear, hear!*) The noble Lord was astonished that the King's supremacy should have been said to be not universally acknowledged in this country. Did he forget or overlook the Kirk of Scotland, in which it was a fundamental doctrine to deny that supremacy? (*Hear, hear, hear!*) He was happy to find that noble and learned Lord so well versed in the Prayer-book, and as he said he looked for Catholic tenets in the decrees of Catholic Councils, he begged to ask him whether he had never discovered any thing in the Prayer-book hostile to the Bill of Rights? He believed that it would be impossible to discover any thing more destructive of political liberty than the homilies in the Bishops' book, in which, among many other similar sentiments, it is declared that the King is the vice-gerent of God on earth. A decree of the University of Oxford might be quoted, in which it is promulgated, that whoever should deny this, should be guilty of blasphemy. Why then search musty records for the decrees of antient councils, and apply them to modern circumstances? (*Hear, hear!*)—It was curious to note the different expedients employed at different periods to put down Popery. In Henry VIII.'s time it was by burning, a practice which prevailed some time and at length in Charles II.'s reign, exclusion was resorted to. A protest signed by Lord Shaftesbury and many others, was entered against the Test Act, which protest stated, that a seat in that House was so "sacrosanct a right," that no Government could interfere to take it away. The debates in the Lords on this subject were conducted with disgraceful heat and acrimony, and the Commons even proceeded to blows. The grossest absurdities were there uttered, and cheered as the ground-work of a superstructure worthy of it. But it was now said the object of continuing this law is to guard us from a foreign power. Even here, however, there were more cats than could catch mice, for the test imposed required a disavowal of any belief in transubstantiation. (*Hear!*) He should be glad to know if any of the noble Lords, the champions of the Church, would have ventured to propose this test to Henry VIII.

The whole history of the test laws reminded him of a farce in which a physician is applied to, to prescribe for an ostler, and, inquiring what had been done yesterday, is told that the horses on the left had been bled, and those on the right had been purged. "Oh! then, said he, "bleed those on the right, and purge those on the left." (*A laugh.*) He must now beg leave to say a few words with respect to the time, and in support of his own opinion that the present was most proper, was most advisable. For twelve years many who had professed themselves friends to the Catholic claims, had as uniformly opposed them on the ground of the unfitness of the time whenever they were advanced. He knew this was a subject of delicacy, but the period might come when it would be roughly handled if too long deferred. Greatly did he rejoice at our victories in Portugal; but if, instead of his brilliant achievements, Lord Wellington had been under the necessity of re-embarking his army, what might have been now our situation, the French having possession of Cadiz, of Lisbon, of Ferrol; and with how much less grace and dignity might we have found it necessary to concede the claims of the Catholics, than at the present moment, when no misconstruction could be put upon the boon?—(*Hear, hear!*) If there was one criterion more certain than another of the truth of human judgments, it was to be found by placing ourselves in other circumstances and in other times. What, he would ask, were the sentiments of Ministers on learning that, by a large majority, the Cortes had refused to appoint a British officer with a command over Estremadura, and adjoining provinces? Did they not exclaim, what strange and extravagant notions? Did they not vent their surprise, that any set of men, at a crisis so big with their fate, should be so stupidly bigoted as to apprehend any danger to their religion from the appointment of Lord Wellington? (*Hear!*)

——— Mutato nomine,
De te fabula narratur.

Doubtless the Ministers had condemned the unfounded and ridiculous alarms of the Spaniards in South America, and had said in their hearts, that all this might have been well in the reign of Philip II., but was most extravagant and absurd in the circumstances of the present period. Let the House then take this vital question into calm and dispassionate consideration; let them remember the recorded sen-

timent of Mr. Burke, that "no free Constitution could ever be supported by exclusions; sooner or later the Government must destroy them, or they will destroy the Government." For his own part he would not hesitate to avow, that if he did not enjoy in as large a degree as his fellow-subjects all the privileges of the Constitution, although he should certainly feel it his duty to give it his support, it would be with less attachment, and with very different feelings from those which now actuated him.

Lord Westmoreland said, that until a distinct plan was previously laid before their Lordships, stating the securities by which the integrity of the Established Church was to be maintained, he thought it premature to ask their Lordships to go into a Committee.

Lord Moira, in a short speech, supported the motion; he said that in all that had been urged that night by the noble Lords who opposed it, he had not heard one new objection started, and in the old ones that had been repeated, not one argument. It had been said by one noble Lord, that the Irish Catholics were not generally anxious for the object now claimed in their behalf. He knew not why their own petitions should not be admitted as evidence of their sincere and constant wish upon that subject; but independent of that evidence, was it to be pretended that it was in human nature to be indifferent to persecution, unless, indeed, noble Lords would argue as did a fox-hunter, in whose company he once heard an argument against the cruelty of hunting. The fox-hunter admitted that the hunting of hare or deer was cruel, but that of foxes was not so, because, in his judgment, the fox liked to be hunted. *(A laugh.)* He denied the necessity of that previous stipulation on the part of the Catholics which had been contended for: the Catholics came before their Lordships, not as Catholics but as British subjects, to claim their share in British rights, and the burden of proving them unfit for such share lay on those who opposed their claim to it. *(Hear! hear!)* The Act of Toleration had been relied upon; but what was that Act but a recognition of right?—Another objection had been to the time. He thought that the work of conciliation could not be entered upon too early. It was too of all things desirable, if the claims of the Catholics were to be acceded to, that they should be granted as the gift of our justice rather than as extorted from our necessities. As to any danger to be apprehended

as resulting from those concessions to the Established Church, he thought that such an apprehension was, of all others, the most idle. He looked upon the Established Church as holding forth the best standard of religious freedom; and he, as a sincere admirer of that establishment, would be the last man to support what he conceived to be likely, in its remotest consequences, to injure, much less endanger it. The motion of his noble friend should have his most cordial support.

Earl Grey said that he was confident their Lordships would acquit him of any intention at that late hour, and after such a debate as they had heard, of rising to add any thing to reasoning or observations which had been urged in support of the present motion. He rose for no such purpose. All that he might have originally intended to have urged that night had been so completely forestalled by the most convincing and eloquent speech of his noble friend who had opened the debate, and by those noble Lords who followed on the same side, that there was nothing now left to him (Lord Grey), but to re-assert his entire concurrence in their sentiments.—He differed from the observations of the noble Lord on the Woolsack respecting the Revolution. He denied that the principle of that glorious Revolution was one of mere exclusion, on the ground of religious jealousies, or establishing upon any such narrow ground the connexion between Church and State; the grand principle was equal rights and privileges to all their fellow subjects (*Hear!*) Mr. Pitt's name and authority had been resorted to frequently throughout the debate; he thought that some of the noble Lords who had appeared most anxious to support the memory of their deceased friend, had not been very happy in their manner of doing so. One noble Lord had stated, that the public motive generally assigned for Mr. Pitt's retirement from office in 1801, was not the private motive which had really actuated him, while another noble Lord had declared that he never could learn from Mr. Pitt what were the grounds and securities which he had proposed to himself as the best means for preserving the established Church from all danger. What inference did the noble and learned Lord draw from this? With respect to that part of the question respecting the *veto*, he should only say that that question might be in itself a sufficient warning to others, not to be too ready to submit plans upon the subject before they had gone into

the Committee. As to what had been said with regard to the claims of the English Catholics not having been repeated this year, he had to acquaint the House, that it had been left by that respected body to his discretion, to determine whether or not to present their petition that Session; but of this he could assure their Lordships, that the English Catholics felt common cause with the Irish Catholics, and were most cordial well-wishers to the success of the present petition. But he now came to that which he confessed was the chief, if not the sole cause of his having then risen to trespass upon their Lordships. He had listened to certain observations in the speech of a noble and learned Lord (Redesdale) with the greatest pain. (*Hear! hear!*) He assured the noble Lord he had acted under a great misconception. He had listened with every possible attention to the speech of his noble friend (Donoughmore); it was indeed a speech that commanded attention; and he would venture to declare, that, throughout it, there was not a word to warrant the misapprehension of the noble and learned Lord. (*Hear!*) He trusted that the noble and learned Lord would gladly seize an opportunity to explain expressions, that could have dropped from him only under the false apprehension of a very heavy charge. (*Hear! hear!*)

Lord Redesdale thanked the noble Earl for the handsome manner of his interposition. He had certainly imagined that the noble Lord (Donoughmore) had made a strong allusion to the discharge of his judicial duties, when in a judicial station in Ireland; but when, in answering that supposed charge, he had said that many of the Irish Catholics themselves could prove it to be false and unjust, nothing was more distant from his intention than to impute to the noble Earl (Donoughmore) any design of knowingly preferring against him (Lord R.) a charge which he at the same time suspected to be groundless. (*Hear! hear!*) This he had never intended to say; and if the words he had used had given rise to such a construction, he apologised for having used them. (*Hear!*)

Lord Grey congratulated himself and the House upon the prompt and ingenuous explanation of the noble and learned Lord. (*Hear! hear!*) He had no doubt that his noble friend in his reply would meet it with corresponding good will. (*Hear! hear!*)

The cry for question then becoming general—

The Earl of Donoughmore said, that as every argument

which he had already offered remained unanswered, and as they had been so well and ably confirmed by the reasoning of his noble friends who followed, he felt it unnecessary to trouble their Lordships with any reply. With respect to a matter that had occurred in the debate, and which personally alluded to him, he hoped he knew too well what he owed to those who had honoured him with the high trust reposed in him, to have suffered any feelings of a private nature to have mixed with and disturbed the discharge of a great public duty. (*Hear! hear!*) Nor should he now have at all alluded to the circumstance itself in that place, had it not been for the full and candid explanation just made by the noble and learned Lord. (*Hear! hear!*) Indeed when the noble Lord was in his speech adverting to what had fallen from him, he (Lord Donoughmore) perceiving he was rising to set him right, was on the point of correcting the misconception, when a term fell from the noble and learned Lord which he (Lord Donoughmore) thought necessarily closed his mouth. He had certainly alluded to the judicial capacity of the noble and learned Lord, but not for the purpose of charging him with a corrupt administration of it, but merely to designate him when that noble and learned Lord was in Ireland. He (Lord Donoughmore) had materially differed from him in many of his political principles, but he never questioned the purity of his administration of justice. (*Hear!*) He expressed himself satisfied with what had just fallen from the noble and learned Lord, and returned his acknowledgments to their Lordships for the patient attention with which they had honoured him. (*Hear! hear!*)

The House then divided:—

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Adjourned.

HOUSE OF COMMONS.

TUESDAY, JUNE 18.

Lord Folkestone presented a Petition from Mr. W. Drakard, proprietor of the country newspaper called the *Stamford News*, stating the hardship of his case in having been prosecuted for a libel, for the insertion of an article for which the proprietor of another paper, who copied the same article from the *Stamford News*, had previous to the petitioner's trial been tried for a libel, and had been found not guilty; and also stating many other circumstances of hardship attending his case, which he conceived to be contrary to the true intent and meaning of the law, and praying such relief as the House might think fit.—Ordered to lie on the table.

PRIVATE BILLS.

Mr. Shaw Lefevre moved the reading of the standing orders relative to Private Bills. The several Resolutions were accordingly read, and agreed to, one by one. After which,

Mr. S. Lefevre rose and said, that in consequence of the notice he had given on Saturday, he would proceed to move—"That all Petitions for Private Bills should be presented within fourteen days after the first Friday in every Session of Parliament, in the next, and every future Session."

Mr. Rose thought it would be better to have such an order made in the beginning of the next Session.

The Speaker was of a different opinion. He thought that whatever was to be settled as a rule for transacting private business in any future period, should be done by a standing order of a former Session. If a day for a limitation of time in presenting petitions was only to be mentioned in the beginning of a Session, it would hardly be known to the people before the end of it. It was a matter of the greatest importance, for it was not only the petitioners who were concerned in it, but also every person who is in any way affected by the Bill; and where so many valuable rights were implicated, it was impossible to be too strict or too particular in the fixing of the day.

Mr. S. Lefevre then moved, that all the standing orders respecting Private Bills be referred to a Committee to in-

corporate them together, and revise the same. Ordered, and a Committee was immediately named.

DARTMOOR PRISON.

Mr. Christie, from the Transport Board, presented at the bar several papers relative to the prisoners in Dartmoor prison.

Mr. Rose said these papers were presented in consequence of a noble Lord (Cochrane), who he was sorry not to see then in his place, having asserted, that the prisoners confined in that prison had died thirty and forty in a week. The fact was quite otherwise; for at no time but one, which was about two years ago, had there been any extraordinary mortality among the prisoners. That one time was in consequence of some French prisoners being sent there, who had been landed from the West Indies, and who brought over with them an infectious disorder, which was however by skilful medical practice subdued in about a fortnight, and the prisoners had ever since been remarkably healthy. It had been also asserted that there was a great deal of filth and dirt in the prison; but the reverse was the case, and there was a stream ran through the prison of as pure water as any in England.

Mr. Tyrwhitt spoke to the same effect, and assured the House there was not in the country a healthier place than that prison.

Sir C. Pole was convinced that was the case, for out of 50,000 prisoners confined, there were only about 300 sick.

Sir F. Burdett said, he thought the noble Lord who had been alluded to, would not have made such an assertion without having some grounds for it.

Mr. Whitbread said he held in his hand several testimonials of the truth of what had been said by Mr. Rose and Mr. Tyrwhitt. The papers were ordered to be printed.

EAST-INDIA COMPANY.

Mr. P. Moore presented a Petition from Major James Oliver, late of Fort St. George, stating that he entered the service of the East-India Company in 1769, and continued in it thirty-six years; that he had been in fourteen general actions—at the reduction of twenty-four forts, many of which were taken by assault—that on his return home a few years ago, from ill health, complaints had been preferred

against him, not in a military, but a civil capacity, and he had been dismissed the service without any trial—that he could not obtain a hearing—and he thought the Court of Directors had assumed inordinate power. He, therefore, prayed such relief of the House as to them should seem fitting. Mr. Moore moved that the Petition do lie on the table.

Mr. Wallace said the Court of Directors had certainly a right to dismiss their servants: this gentleman was charged with having been engaged in commercial transactions while he was Governor of the Molucca Islands, contrary to the rules and regulations of the Company. He had also before been dismissed for lending money to the native Princes at the usurious interest of 36 per cent.

Mr. H. Montgomery and *Mr. Adam* each said a few words.

Mr. Astell said the petitioner had been repeatedly accused and convicted of offences against the rules and regulations of the Company.

Mr. P. Moore said he understood that during the fourteen months the petitioner was Governor of the Moluccas, he had reduced the Company's expences 1,140,000 dollars, and he was now in a starving state.

The Petition was ordered to lie on the table.

CORPORAL PUNISHMENTS IN THE ARMY.

Sir F. Burdett rose to make the motion of which he had given notice, respecting corporal punishments in the army. He said, the subject had for several years weighed and pressed upon his mind, and he at length determined to bring it forward to the House; but having, from time to time, heard from several gentlemen, high in the army, that Government had an intention to abolish it, he had been induced to withhold from making any motion, wishing rather that the measure should voluntarily flow from them, than that it should be adopted from the interference of that House. It had been said, at the time of passing the Mutiny Act, that a clause would be introduced, which would have the effect of abolishing this scandalous punishment by degrees; but having found from the clause in the Local Militia Act, that was not the case, he thought it was his duty not to lose a moment in coming down to the House, to give a notice on the subject; and he had only brought forward the case of Taylor as an instance of what was ne-

cessary to be done. Finding, however, that the case of a Local Militia-man did not perhaps sufficiently apply to the case of the general adoption of this punishment in the main body of the army, he had given up that case, and thought it best to proceed on the motion which he should have the honour, before he sat down, to submit to the House. There were other reasons which urged him much to come forward with it. The press had been treated with uncommon severity on account of mentioning the disgraceful punishment of flogging our soldiers. Very severe sentences had been passed on two public writers for having said that these degrading punishments in our army had——

Sir M. Wood spoke to order, and was proceeding to comment on the speech of Sir Francis Burdett——

Mr. Brougham spoke to order, and said, if the honourable Baronet who spoke last was allowed to proceed in that way, he should move that the debate be adjourned.

The Speaker said, Sir M. Wood had not shown any thing to prove the honourable Baronet, whom he had interrupted, was out of order: he must do that, and not comment on the honourable Baronet's speech.

Sir M. Wood then moved that the gallery be cleared.

[The Gallery was then ordered to be cleared; but when most of the strangers had withdrawn, in consequence of the motion not being persisted in, they were re-admitted.]

Sir Francis Burdett (on our re-admission into the Gallery) was speaking on the motion of which he had given notice. In the view that he took of this subject, he was sanctioned by the opinions of many general officers, and persons who had eminently distinguished themselves in the service of their country. Many of those officers not only agreed with him in theory, but had proved in practice, and in the discipline of their corps, that the system of flogging is not essential to the discipline of the English army, and that it was as unnecessary as it was cruel and disgraceful. Among the many bright examples of officers that knew how to maintain proper discipline in their regiments without flogging, he thought it would be injustice not to mention the illustrious name of his royal highness the Duke of Gloucester, who for the last three years had kept his regiment in a high state of discipline without having recourse to flogging; and it appeared to him that his conduct in this respect did equal credit to his abilities as an officer, as it did to the amiable qualities of his heart. He was sorry

to be obliged to state another most remarkable instance of the inefficacy of pursuing an opposite line of conduct. He must say that the 15th regiment of dragoons was a regiment long distinguished for its efficiency in the field, and for its peaceable, modest, and proper demeanour in every respect, before his royal highness the Duke of Cumberland got the command of it. Until that time, punishments of this nature had seldom been known in it; and it was a melancholy thing to state, that more cruel punishments took place within a very few months after the Duke of Cumberland was appointed to the command, than had taken-place in that regiment ever since the period of the seven years' war, down to the time in which he had got the command of it. The excellent pamphlet of Sir Robert Wilson upon this subject, was, as he supposed, in the hands of every Member; and therefore he should content himself with stating, generally, that that gallant and distinguished officer most decidedly reprobated the system of flogging. He understood, also, that the present Commander-in-Chief wished, as far as was in his power, to get rid of this ignominious and cruel mode of punishment; and he must do him the justice to say, that he understood that in the management of his own regiment a very mild system of discipline had always been pursued. He thought it would be also doing injustice to the known humanity and benevolent nature of his royal highness the Prince Regent, not to suppose that he also felt alive to the sufferings of our brave soldiers, and that he also would be very anxious to free them from the degrading and cruel punishments to which they are now exposed. He therefore by no means thought the improbability of succeeding in this object was as great as it appeared to many men. He would mention, also, a militia regiment which had been commanded by Lord Euston, now Duke of Grafton. This regiment had long been considered as a pattern regiment, and many other officers endeavoured in vain, by the severity of punishments, to make their regiments equal to it; and yet Lord Euston brought his regiment to this perfection without having recourse to flogging. The instrument called a cat-o'-nine-tails was not known by the drummers of that regiment. When persons of such rank and acknowledged merit as he had mentioned, had proved by practice that the best discipline can be kept up in the army without flogging, he conceived himself entitled to state, that it would be well for the British army, in

every point of view, if the example and authority of such men were generally followed. In the cases that he should think it necessary to state to the House, he derived his information from persons who were in situations that gave them the means of knowing, and of whose veracity he had no doubt. He did not think it proper to name his authorities in the first instance, although many of them had given him permission so to do. He considered that naming them now, might possibly do injury to those individuals without being of any public advantage; but if the House had granted an inquiry, he would certainly have brought them forward as witnesses to prove the statements he should now make. He had been informed by a surgeon of a regiment, that a man under his care who had a defect in his sight, had literally been flogged for being blind. (*Murmurs from the Ministerial benches.*) The case was this: the surgeon who gave him the information was a young man at the time, but this soldier had been under his care, and had even undergone many painful operations for the defect of sight, which he was convinced was natural. This case, with many others, was referred to a senior surgeon, who was a hasty and careless man. His report was, that there was nothing the matter with his sight, that it was all a pretence to avoid duty, and that he was (to use a term he did not understand) a *malingerer* (maligner). The young surgeon finding his professional judgment thus impeached, appealed to the judgment of another surgeon of still greater practice, who coincided with him that the defect of sight was real. Nevertheless the man was brought to a trial by court-martial for being a *malingerer*, and the man was actually condemned, and did receive a hundred lashes. When the surgeon of superior standing afterwards told the officers that the man really had a natural defect in his sight, the answer of one of them was—"Well! what signifies a hundred lashes to a man of his description?" This case he would be ready to prove if an inquiry should take place. Another instance he had to state of severity of punishment was, that at Gibraltar, two men had been so harassed and disgusted with the service, that to get rid of it they chopped off, each of them, one of their hands. Instead of gaining their object, and getting rid of the service, they first received a severe punishment for this offence, and after they had so received their punishments, they were condemned to eke out the re-

mainder of their lives in servile employments, and no soldier was allowed to speak to them. He must, however, ask, upon this case, what must have been the disgusts which those men had received, to induce them even to cut their own hands off, and how harassing must that service have been, which they would take such methods of endeavouring to free themselves from? There was another case of a soldier of 70 years of age, and who had served for upwards of 50 years with great credit and an excellent character. He unfortunately got a little in liquor, and was sentenced to be flogged. In vain he stated his length of service, his never having been before sentenced to any ignominious punishment, his wounds, and his age. The answer to him was, that his age and his length of service should have made him know better; and he was flogged. The very same day, another soldier, a young lad of 16, was condemned for some impropriety of conduct. He pleaded his youth and inexperience: but he was answered, that on that very account he must be made to learn his duty; so that youth or age, inexperience or long and faithful services, were urged equally to no purpose, as a mitigation of the severity of punishment. When he was confined in the Tower, he was unfortunately an eye-witness of the severity of the punishments that were inflicted on very old men for trivial offences. One of those whom he saw flogged, had been thirty years in the army, and had received no fewer than seventeen wounds in the service of his country. It was, indeed, a most painful sight to see an old man, whose breast was scarred with honourable wounds, having his back lacerated with ignominious stripes for some petty offence. He saw another old soldier flogged, who had been twenty-seven years in the service. As to the severity and cruelty of the punishments, he could not have had an idea of it if he had not been an eye-witness. Great as the corporeal suffering must be in such cases, he thought the shame and disgrace of it was still worse. 'There were but few persons who knew what a severe instrument of torture the *cat-o'-nine-tails* was.' Every lash inflicted by it was, more properly speaking, nine lashes. These were pieces of whip-cord, not such as gentlemen used to their horse-whips, but each of them as thick as a quill, and knotted. This dreadful engine of torture was frequently applied by the strength of fresh men relieving each other until human nature could

bear no more suffering; and then, if pains were taken to recover the unhappy sufferer, it was only to enable him to undergo fresh agony and farther pain. What appeared to him to be the most disgusting thing in the whole transaction, was the attendance of the surgeon, whose business appeared chiefly to be to detect any lingering principle of life which could enable the man to undergo more torture; and his art and knowledge, with an almost impious profanation of the healing art, was exercised principally for the purpose of renewing the faculty to bear fresh tortures. He really did not believe that in the description the poets gave of Hell, there were any tortures equal to what is called a military punishment. He believed the principal part of the complaints of the soldiers, and of the reasons for which they were flogged, was, that they were often dissatisfied with the manner in which their pay and what was called "necessaries," were furnished. (The honourable Baronet here read an extract from a work of Major James, in support of his opinion, that such was the general cause of discontents in the army, and military punishments.) He had often thought, that if instead of nothing but punishment for offences however slight, soldiers could stand before a court-martial to determine what rewards, what honours, or what increase of pay they were entitled to for gallant services, the army would get on much better. At present, the system pursued was degrading to the whole army, to the officers who ordered and witnessed the punishment, as well as to those who were condemned to endure it. The gentlemen in this country are thus exposed to witness what no other gentlemen in Europe are obliged to see. These severe punishments were not inflicted for serious offences only, but on the most trifling matters of regulation in the regiment. There was nothing so trivial either in dress or equipment for which a soldier might not be flogged. When the number of desertions which took place every year was considered, and the punishments which might be inflicted for such desertions, he calculated that five millions of lashes might be annually inflicted on this account, for he must always calculate every lash given with a cat-o'-nine-tails as nine lashes. We often heard of how many strokes a minute was given by a steam-engine, but the flogging system would far exceed, in this respect, any powers of the steam-engine. It was the opinion of almost every experienced officer, that no regiment, or no soldier, was ever corrected by those mi-

ments. The men who suffered the punish-
, in a manner, driven from their rank in exist-
, and afterwards appeared heart-broken, and ashamed
to look their comrades in the face. The House had lately
expressed its sympathy for the sufferings of West-India
slaves, but there was nothing in the West Indies which
could be at all compared, for cruelty, with the manner in
which the English soldiers were flogged. How painful it
must be to their feelings when they marched against an
enemy whom they knew was never flogged, to think of
their own discoloured shoulders, and dishonoured carcases?
It was melancholy for them to recollect, that if their bodies
should be found upon the field of honour, although their
breasts might be pierced with glorious wounds, their backs
would exhibit the cruel marks of disgrace. It was no ho-
nour for any man to command persons liable to be flogged,
as it was no honour to command galley slaves. The ho-
nourable Baronet here read a long letter from Sir Robert
Wilson, wherein he stated, "that he had the mortification
to hear a Russian Minister tell the Emperor, that nothing
was finer than to see an English regiment on parade, but
that nothing was more disgusting than to see their camp in
the morning, and witness the cruel and inhuman punish-
ments that were constantly inflicted there." Drakard had,
in fact, very much libelled the Russian nation, when he
stated that they had copied the barbarity of our military pu-
nishments. British officers, however, found that they
could discipline the people of other countries without resort-
ing to the cat-o'-nine-tails. The Portuguese were allowed
to have arrived at great proficiency in discipline, but they
were never flogged as our soldiers are. The great Frede-
rick of Prussia once governed his army, in a great measure,
by the stick of the corporal: he, however, soon found the
error of his system from the number of desertions, and lat-
terly adopted a very mild system. In this country the sys-
tem of cruelty and torture had been introduced, principally
with the view of *germanising* our soldiers; but the German
soldiers in our pay were quite astonished at this mode of dis-
cipline, as nothing like it has been practised in Germany
during their recollection. If British officers can make good
soldiers of Germans, Portuguese, and every other nation
without flogging, what a scandal it is to this country to say
that it is necessary with the English alone? In the army of
our enemy, it must always be recollected, that there were

rewards as well as punishments, and Parliamentary influence was not necessary to obtain promotion. As to the cruelty with which English soldiers were treated, he insisted that it was greater than the common feelings of mankind could bear to witness, if exercised on a beast. If any man was to use a horse, or any other animal, with such cruelty in a public place, his brains would probably be knocked out by the people. After a variety of other observations on the cruelty and inefficacy of the system of flogging, he concluded by stating, that, considering the advanced period of the Session, and the impossibility of now going into the inquiry, he thought it the best way to move for an Address to the Prince Regent, which he did to the following effect:—"That an humble Address be presented to the Prince Regent, praying, that he would graciously be pleased to take into his consideration the practice of flogging soldiers, and that he would be pleased to give such orders to the officers commanding regiments, as might restrain, and in time remove the cruel and unnecessary system now in force with respect to punishments in the Army."

Mr. Manners Sutton admitted the importance of the subject, but must think the statements much exaggerated. The very object proposed was already attended to, so far as was consistent with the military policy of the country, and could be made useful or manageable. It was unfair to speak of the effect of the law, until it had been tried: from the lateness of its enactment, it had not been fairly tried. Even now, frequent applications had been made to him to know how far the usual punishment might not be commuted for imprisonment. Instances of cruelty had been spoken of. If those were brought forward distinctly, they would meet investigation, and receive punishment. It was to be observed, that the object of the whole motion, the Local Militia-man, was omitted. From the mode in which the statement of that case was originally made, some inquiry had been necessary, and the result was the following statement. The recruits had been assembled some days before the main body of the regiment, and there was a natural tendency to disorder. There were some reports that the men's bread was bad, and the Colonel sent for the Contractor to direct him to give better. The Contractor asserted that the bread was good, and it was sent to the mess-table to be tried. The officers were all of opinion that it was of the proper quality; but the Colonel not leaving it even to

this, sent some to the Inspecting General, who pronounced it good. The regiment arrived in small parties, and some of those at night rather intoxicated. The clamour against the bread was kept up by these people; and loaves were found kicked about the streets, a proof that there was no attempt to try the bread. After this, the words "sour bread," and other insulting expressions, were chalked upon the walls—placards were hung up—the officers were hissed down the parade—and still the ringleader could not be found. The officers, however, were anxious that something should be done; the spirit was too dangerous to be passed over, and it was important to find out who was the exciter of the spirit. Taylor wrote the song of which so much had been said, and exhibited himself as a prominent person. He was punished; not for the song, as was absurdly said, but for the part which he had taken. His punishment was partially inflicted, and he acknowledged its leniency in the presence of the surgeon. Some of Taylor's comrades had come into the room, and were reproaching him with faint-heartedness. Taylor told them, and repeated it to the surgeon, that he now was satisfied that without discipline, subordination could not exist; that the sentence was merciful, and his punishment lenient. That was enough as to the cruelty. As to the other statements of the honourable Baronet, he hoped they were exaggerated. Some of those cases arose from regimental courts-martial, which of course could not come within his (Mr. W. S.'s) cognizance: but they might be examined into. A few days ago, the Duke of York directed, that a regular return should be made of the sentences of regimental courts-martial. The statement of the desertions was exaggerated. The honourable Baronet had apparently concluded, that the whole number of 879 desertions implied so many individuals. This was a mistake, for the same individual sometimes deserted five or six times before he could be finally prevented. There were some parts of his statement which he had heard with great regret. Such were those expressions, that the state of the British soldier was looked upon with horror by other troops. It was the first time such an idea had been started. The practice which had been lately adopted, of bringing military subjects before the House in all cases was mischievous. Much mischief must be done by its growing into a custom. If Parliament made itself a court of military appeal, it would soon find that it had

taken upon it an excessive burthen. It was unfounded to attribute the perfection of our discipline to any thing but the mutual respect of officer and soldier. This was not meant to cut off the appeal to the authority of the House in matters of extensive military policy; but to make that application customary, would unhinge the whole frame of discipline. The source of the late glorious successes of our soldiers was not numbers, they were always inferior; nor exclusive courage, for it would be a calumny to suppose all other nations cowards. The system would be broken down by this habit of appeals to Parliament. If the army were accustomed to make those appeals, some trifling abuses might be corrected, but the army would be gone. Where was the substitute for the present system? Imprisonment was now part of it. Capital punishment might be used; but was it to be said that there was to be no punishment, except capital, for the higher offences?

Mr. Brougham regretted that the actual statement of that motion seemed to have totally escaped the honourable member, whose speech was much more like a prepared anticipation of a speech expected, than an answer to one made. The cases which his honourable friend had adduced had been objected to, but he would not trouble himself about those cases. He was satisfied with shewing, from the principle of reason and law, that the system of flogging was unwise. This was the object of the motion, and nothing relating to any particular case: he was only anxious to bring the House to a pledge that it would proceed on the subject next Session. The Judge Advocate had spoken of his amendments, and the effects he expected from them. But what was the change? The Mutiny Act had, since the Revolution, allowed of a latitude of punishment for higher offences, and a court-martial might sentence to imprisonment or flogging. By the 22d section of the Act, a court-martial could go to any extent of punishment that did not injure life or limb. There was of course no change in the law: or if the honourable Member said there was any change, he said what was not law. The law allowed latitude of corporal punishment, and imprisonment was such. If it was still to be insisted that there was a change, it must reduce itself to a hint to courts-martial, that they might look rather more to imprisonment than they had done. But all this was feeble. Flogging for mutiny, &c. would continue to the amount of eight or ten hundred lashes, and the

change produced by the amendment would be nothing. Why was not the amendment introduced into the first Section, and made adequate to supersede capital punishment, as the only thing that could be superseded by the amendment? The courts-martial having already had power of imprisonment for inferior offences, would find their powers neither increased nor diminished by this alteration. Taylor's case was of small interest compared with the general question. He had lately expressed himself strongly in abhorrence of the flogging of negroes, a race less connected with us than the objects of the motion, and the House were loud in their detestation of the cruelty. Why not, when it came nearer home, and among a gallant and manly race of beings? The spectacle of a military flogging was one of the most horrid; and that, not on the testimony of persons of peaceful habits, but on the authority of officers educated in the view of them. But those were the very men who talked of them in the most powerful language. The representations of those officers would have been answered, if they were capable of being answered, but they were not. They had given their names in the face of the whole army. If any thing could have been said, there were venal pens enough to vindicate the cruelty. That the punishment was ignominious, and was on the testimony of officers of no common distinction—General Stewart, Sir Robert Wilson, and General Cockburne. Flogging turned the indignation at the crime, against the punisher. Why was not torture a regular punishment? Except a *dictum*, and a solitary passage in the Bill of Rights, there was nothing about the abolition of torture, because it never was the law of England. On the trial of Fenton for the murder of the Duke of Buckingham, there was an attempt at examining by torture, but the Judges declared that it could not be administered by the law of England. That law prohibited any unusual and cruel punishment. The punishment was not merely obnoxious as not reclaiming the culprit, but as an offence to public decency. His honourable friend had been called on to point out a substitute for flogging. The law had done it already, by pointing out imprisonment. There were other modes of making discipline secure, such as deprivation of pay and restraint of food. But now we took the wretched victim down from the triangles, an object for the dissecting room or for the hospital, to be hung up again, and receive another such punishment. The Duke of Gloucester

thanked his Lieutenant-Colonel for not having had a single flogging in his regiment for two years and a half. (*Hear!*) Was there any decay of discipline on that account? The practice was ruinous to the soldier. He lost his spirit, feeling, and character. The motion should have his support.

Lord Palmerston spoke at length against the motion.

Mr. Whitbread reprobated the system of punishment which had been adopted in our army, and highly panegyrised the Dukes of Gloucester and Grafton for their discountenancing it in their respective regiments. Save this one black spot, he knew of no taint upon the honour of our army.

Mr. Yorke opposed the motion, and was inclined to think, that during the honourable Baronet's stay in the Tower, he had been picking up stories from the old soldiers, and they really had played the *old soldier* on him.

Mr. W. Smith spoke in favour of the motion.

The Chancellor of the Exchequer thought the House ought not to put any faith in the statement of the honourable Baronet, who had gone about collecting old stories, which, the moment they were stated, were falsified. The honourable Baronet then with a new delicacy came forward with an abstract catalogue of complaints, which were uncontradicted and uncontradictable, because anonymous. He reprobated in strong terms the degrading light in which the honourable Baronet had attempted to place the British soldier. God knows where he had got the notions which he had promulgated that night; but, whether he had derived them from some periodical work which he was in the habit of reading, or from the company which he was in the habit of keeping, he trusted that he would not find in that House a teller to support him.

Mr. Adams and *Sir H. Montgomery* spoke against the motion.

Mr. C. Hutchinson supported the motion, and vindicated the discipline of the French and Russian armies.

Sir F. Burdett, in reply to the Chancellor of the Exchequer, said that for lack of argument he had recourse to the vulgar expedient of imputing motives. If it was decent, he might with equal propriety retort such insinuations. In the present state of military discipline every man in England was born to be flogged.

The House then divided,

Ayes, 10. Noes, 94.

The Westminster Hustings Bill was read a third time.

The House went into a Committee on Loveden's Divorce Bill, on which a very protracted discussion took place, and it was finally agreed that the woman should have an annuity of 400*l.* for her life. The Report was brought up, and the Bill read a third time and passed.

Adjourned at three o'clock.

HOUSE OF LORDS.

FRIDAY, JUNE 21.

ARMY PRIZE-MONEY REGULATION BILL.

The Earl of Suffolk spoke a long time on this Bill and other collateral subjects. He mentioned that 250,000*l.* had been retained by agents, for thirty years past on an average. The prize-money due to officers in the Navy, in the present war, amounted to 5,000,000*l.* He then adverted to the various abuses which prevented officers of both services from getting their money, and the great inconveniences and risks that followed to them, and to their relatives if they died. A great cause of this was the existence of a single Proctor, who received 30,000*l.* a year from Naval causes, to whom both parties must apply. His Lordship made a number of other observations on the general subject.

The Earl of Liverpool said, that the naval business had nothing to do with this question.

The Earl of Suffolk mentioned a case in which the capture amounted to 8,000*l.* and the charges to 6,800*l.*

The Lord Chancellor and *Lord Redesdale* defended the conduct of the Courts, and objected very strongly to attacks thus made, when unexpected and irregular as to the Bill before their Lordships. Modes had been recommended by resolutions of the House to provide for the greater facility of dispatch of business, but had not yet been acted on by the other House.

The Earl of Suffolk pledged himself to renew the subject early next session.

The Militia Interchange Bill was read a third time.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, JUNE 21.

WEAVERS' PETITION.

The farther consideration of the Report of the Committee on the Weavers' Petition being, in consequence of having no House yesterday, one of the dropped orders—

The Chancellor of the Exchequer moved, that the farther consideration of it should take place on Monday—as many gentlemen who had signified an intention of delivering their sentiments on it, not being then present, from the idea, as he supposed, of its being a dropped order, and therefore that it would not be proceeded on this evening. No objection being made, the question was just put, when

Mr. Whitbread entered the House.

The Chancellor of the Exchequer then repeated to him what he had said above.

Mr. Whitbread said, he came prepared to deliver his sentiments on it then, understanding when it was postponed to Thursday, that if it did not come on then, it would on Friday; that it would not be convenient for him to attend on Monday, and therefore he should say what he thought on the subject this evening, though the House might think proper to defer the order till Monday.

The farther consideration of the said order was then postponed to Monday.

Mr. Whitbread proceeded to speak on the subject; but after a few words, being told from the Chair that there was no question before the House, he said he should conclude with a motion for papers.—The honourable gentleman then said he was convinced that the Report of the Committee was the only proceeding that could be relied on—that nothing could be done in the way of effectual relief—and that any attempt to give a partial or moderate share of it, would be only like throwing small quantities of water on the blaze of a furnace, which, the moment the slight effect ceased, blazed out again with redoubled fury. It was at once idle and vain to attempt any thing in that way. Ministers knew very well that the Weavers were only the forerunners of the merchants—they had received the fullest information on the melancholy and deplorable situation of the

commercial world from the loud complaints of Liverpool and other great commercial towns—conscious that the money already raised for their relief was of no use; and yet they had not the courage to look the evil in the face, and fairly own what the Report unanswerably stated to be the case. As he could not attend in his place on Monday, he thought it necessary to say thus much on that subject now. He then proceeded to the subject of the papers he meant to move for respecting America. The adjudication against the Fox (American vessel) which had within a few days taken place, had, he feared, thrown away the scabbard between us and that country. He had in his hands the remainder of the documents which he had moved for on a former night, and which had been refused by the Chancellor of the Exchequer; but which the American Government, in spite of that right hon. gentleman's monition, had thought proper to publish to the world. From these documents, he thought we had treated America (a country which, from its extent and population, he thought deserving the highest consideration from every government in the world) more as a dependant on an illiberal protector, than as a great, free, and commercial people. He adverted to the engagement of which we had lately heard, as having taken place between the *President* frigate and the *Little Belt*, and feared that one thing after another coming in such quick succession would shortly operate so powerfully, as, by causing a rupture, would go near to overwhelm our finances. The Weavers knew they could not be relieved at the time they petitioned; but hearing the right honourable gentleman, on bringing it forward, vaunting and boasting so highly of the flourishing state of the country and its finances, when they saw that he still brought on his tax on the raw material by which alone they could obtain bread, they were compelled to state the injuries they would sustain by the measure; and after he was absolutely compelled to give up his darling measure, he still boasted that he did not want a new tax to replace that which he had withdrawn. What will the manufacturers say to this? It is impossible to persuade them they are in prosperity. The House cannot deny they are in distress, and yet it is not in their power to relieve them; and all these various evils had been produced by the unwise and impolitic commercial system adopted by his Majesty's Ministers, and persisted and persevered in with an obstinacy that must in the end ruin the country.

With respect to the documents he held in his hand, and which had been published by the American Government, there were some of them of which he had not been possessed more than forty-eight hours; and from the whole he begged leave to read some extracts, in order to shew the manner in which his Majesty's Ministers had treated them, and that it was impossible that Mr. Pinkney could act otherwise than take his departure as he did. The first to which he alluded, was a letter from Mr. Pinkney to Lord Wellesley, dated the 2d of January, and not answered the 14th of March; and in another letter from Mr. Pinkney to the American Minister at home, he says, he was not surprised at delay, but he did not expect such a delay as this. There was another letter, dated the 15th of February, on the subject of the blockades, not answered the 5th of March, nearly three weeks; another on the 30th of April, and a subsequent one on the 3d of June, to which no answers were returned. Another on the 1st of July, referring to his notes of April 30 and June 3, to none of which was any answer ever returned. On the 25th of August, Mr. Pinkney wrote again, complaining of these neglects; and received no answer till the 31st, six days. All which shewed a most gross and pointed neglect of America; wounded her just pride, by shewing that Ministers did not look on her as a free and independent Power; in short they were insults of such a nature, as could not be borne or put up with in private life. On the 8th of December Mr. Pinkney wrote to Lord Wellesley on the subject of the Fox, to which there was no answer. It was delayed till after Mr. Pinkney and Mr. Foster had sailed; and then, to complete the whole, comes on the adjudication. He hoped the House, having heard these papers, would not refuse the papers he should move for, though he allowed no use could be made of them till next session. He concluded by moving "an Address to the Prince Regent for Copies of all the Correspondence between the American Minister and his Majesty's Government during the year 1810."

The question being read from the Chair,

The Chancellor of the Exchequer said, he thought the hon. gentleman could not seriously suppose the House would agree to such a motion without any previous notice, especially as he had allowed that nothing could be done farther than that the papers should lie on the table till next session. He (Mr. Perceval) was convinced the

House felt sensibly, by what was then passing, the necessity of notices; and that they would be of opinion, they could not receive the motion. It was evident the hon. gentleman had but two objects in view in making it. One was the opportunity of making a speech, and the other to have the papers on the table early in the next session. The hon. gentleman had made his speech, and thereby obtained one object: and as to the papers, he might have them, by moving for them at the commencement of next session. He (Mr. Perceval) still thought it would be wrong to publish them before they knew what passed between Mr. Foster and the American Government. The hon. gentleman had, however, come forward thus suddenly with his tirade against the English Government; and he found it impossible to answer such a statement, as he had not the smallest idea this conversation would take place. With respect to what the honourable gentleman had said on the petition, the House might thank him for his observations. If he really chose to believe, and entertain the opinion, that all the evils he had enumerated grew out of a wrong commercial system, he might as well have spared his comments, for he (Mr. Perceval) believed there were few would join him in it. The right hon. gentleman then entered into a long defence of the Orders in Council, and insisted that the pressure on the Continent is infinitely greater than it is here; and he verily believed it was so heavy, as not to be long borne. The sole object of tacking this motion to the subject of the petition, seemed to be to impress the petitioners with an idea that the Government of this country was the object of their hatred, and the enemy with all his acts of hostility none. With respect to what he had said on the prosperous state of the finances, he was at a loss to know what the hon. gentleman would have him do. Was he to say their situation was unfavourable, when it was directly the reverse, because the manufacturers were in distress? As to the tax on cotton-wool, he verily believed, if it had taken place, there would not have been a pound of cotton less made use of. On the contrary, it would have increased and bettered the shipping interest, and in fact it was meant to be more a matter of commercial regulation than of benefit to the revenue. The motion might be proper at the commencement of next session, but at present he must resist it.

Mr. Whitbread begged to say a few words in reply.

The reason he did not move for the papers sooner was, that part of the documents he held in his hand, as he before stated, had not been in his possession forty-eight hours, and in that time he had no opportunity. With respect to what the right hon. gentleman had said of the impropriety of publishing these papers till it was known what Mr. Foster would do, it was futile in the extreme. Did he suppose the House such children, or the Americans such fools, that what he said at that time could have any influence on their negociations? It was utterly impossible. His chief reason for wishing to have these papers on the table, was to prevent their putting into the Prince Regent's mouth, in his speech on the opening of the session, any mis-statements or misrepresentations respecting America. If they should do this, and he should notice it, they would say to him, "Oh! you can say nothing respecting America, for you have no papers as evidence to go upon;" and the Address would be carried before these papers could be then obtained. He insisted that the Orders in Council had been attended with the most mischievous consequences. Buonaparté had issued his decrees for the purpose of provoking them. He did so in the time of Mr. Pitt—but did that Minister abet the Government by Orders in Council? No: he saw the trap, and avoided it. The right hon. gentleman, who pretends to tread in Mr. Pitt's steps, had seen it, and fell into it. It was in vain to endeavour to mince the matter; he was determined he would not be one of those who hold out delusions to the people, and therefore he would not hesitate to say what the right honourable gentlemen opposite, and their adherents, all knew very well. We are absolutely undone as a commercial people, unless they will retrace their steps. The right hon. gentleman had told the manufacturers, that although there was no market for our goods, yet things would have been worse, if it had not been for the Orders of Council. It was his opinion, however, that they could not possibly have been worse than they were. If the papers were now refused, no other reason could be assigned for such refusal, but that the Chancellor of the Exchequer was not prepared to meet the discussion.

Mr. Rose said, that his answer to the application of the American merchants, was, that Government had received no information of the revocation of the Berlin and Milan Decrees. As to our retracing our steps with respect to

America, it must be recollected, on what conditions the French Government talked of rescinding those decrees. This country was first required to rescind all the Orders in Council, including those made on the soundest principles, (as he thought) under the former Administration; and not only was Great Britain called upon to do this, but to abandon all the rights of blockade, which had been agreed to by all Europe at all times. It would not, then, be fair to tell the manufacturers that it is only our Orders in Council which prevent the markets being open to this country as usual; but they should also be told that France requires this country to resign her maritime rights, which it never will consent to do.

Sir Charles Price said, that he had the satisfaction to state, that all the merchants with whom he had the honour of being connected, were perfectly content with the Orders in Council and the conduct of Government in this respect.

Mr. Whitbread said, he was sure that such was the feeling of those merchants who shouted for war on the Royal Exchange.

The question was then put, and negatived without a division.

MR. FINNERTY.

Mr. Whitbread stated, that he held in his hand a petition from this gentleman, who was imprisoned in Lincoln Castle, in consequence of the sentence of the Court of King's Bench. The complaint was not against the sentence, but the mode of confinement. It stated circumstances of great harshness and capricious severity. Certificates of medical men were annexed to it, which stated his health to have suffered considerably for want of sufficient air and exercise; and the prayer of the petition was only for such an indulgence in air and exercise as his health required, and the prison afforded. When Mr. Finnerty first applied to him upon the subject, he advised him to have a petition presented to the Prince Regent, and such a petition was presented; but the right honourable gentleman (Mr. Secretary Ryder) having thought it necessary to write to the Sheriff upon the subject, in order to inquire into the truth of the allegations, a great deal of time had elapsed, and no answer was yet given. He trusted that when the House

should hear the petition read, they would think that the petitioner had a claim to relief.

The petition was then read, which was of considerable length. It stated, among other things, "that the prisoner, on his arrival at Lincoln, was committed to a felon's apartment, where he now remains; that his cell is on a ground-floor, and very cold, communicating only with a court-yard about 25 feet square, and with walls 80 feet high, which utterly exclude a free circulation of air; that in the middle of this court was a grate, from which proceeded a most noisome smell from the sewer of the debtors' side of the prison; that this smell was so bad, as not only to prevent his taking exercise in this small court, but greatly to annoy him in his cell; that as he was confined to this cell and court-yard, and not allowed to walk in the common area of the prison, his health had been much affected; and as he could get no redress from the jailer, he presented a remonstrance to the magistrates, praying to be allowed an airy room, and exercise in the common yard of the prison. Some of the magistrates afterwards visited the prisoner, and upon his stating to them that the jailer had thirteen airy rooms in the front of the prison, and that his own family consisted of three persons only, one of the magistrates told him, that another person (then named), under imprisonment for a libel, paid three guineas a week for his accommodation; to which the prisoner replied, that that was more than he could afford. Another magistrate then told him, that his subscriptions would probably amount to a considerable sum. After this visit, although he was still confined in the same room, yet he was allowed to exercise for three hours a day in the common area of the prison, which is extensive. This privilege was, however, afterwards taken from him, and for five weeks together he was not allowed to exercise there at all, in consequence of which his health suffered very materially. Application was then made on his part to the Sheriff, and in consequence, permission was given him to take exercise for one hour a day, namely, from one to two; but if it should rain at that time, he was not allowed to go out at any other time of the day. A person he had brought from London to attend him, was positively refused admittance, and he was obliged to employ for this purpose a prisoner, in whom he could have no reliance. The very person who dressed his victuals was not

allowed to be admitted into his cell. The petitioner subjoined certificates of medical men, that his health was in so bad a state as to make air and exercise indispensably necessary, and only prayed that he might have such accommodation for air and exercise as the prison afforded. An airy room, and leave to take exercise in the prison-yard, was all that he requested."

Mr. Whitbread moved that the petition should lie on the table.

Mr. Secretary Ryder did not rise to object to the petition lying on the table; nor should he in any manner oppose the petitioner's demand of such air and exercise as the prison, and the regulations by which the discipline of the prison was preserved, would afford to him. It was necessary for him to explain to the House the steps that he had taken upon this business. When the petition was put into his hand to be delivered to the Prince Regent, he thought it his duty, before he could give advice upon the subject, to have inquiries made as to the truth of the allegations in it. He wrote in consequence to the Sheriff, inclosing a copy of the petition. As the Sheriff was not then in the country, the answer did not arrive till yester-night. The information which he had thus received differed in some points from the allegations of the petition. Although some medical men were of opinion that his health had suffered by the confinement, there were other medical opinions, on the contrary, that his health was better now than when he was first imprisoned. As to the indulgence which the Magistrates had obtained for him, of exercising for three hours in the common area, this was withdrawn from him in consequence of irregular and indecorous conduct on his part. The conduct to which he alluded was quite inconsistent with decorum or propriety, and the necessary discipline of the prison required that he should be somewhat more restrained. Notwithstanding this conduct on his part, he should nevertheless certainly recommend that the petitioner should be allowed what air and exercise was necessary, under such restrictions as would prevent the recurrence of the circumstances he alluded to. His noble friend (Lord Castlereagh), as soon as he heard the petition, gave his strongest recommendation that no severity might be used in the imprisonment.

Mr. Whitbread said, that there was one point in which he did not perfectly understand the right honourable Secre-

tary. The petitioner prayed to be allowed an airy apartment; and proper time for exercise. The right honourable Secretary had clearly expressed his intention to recommend, that he might be allowed proper time for exercise; but he did not understand whether he meant to recommend that an airy room should be given to him or not. As for keeping him apart from the other prisoners, if that was thought proper to be done, it might as well be done in an airy room as in one that was not so. As to medical opinions contrary to those which were annexed to this petition, he thought it evident that the health of any man accustomed to air and exercise must suffer in such a confinement as had been described. He could not avoid observing upon one Magistrate telling him that he might have a room at three guineas a week, and another telling him that his subscriptions were likely to be large, and he could afford it. These were expressions which appeared to him extremely improper and unbecoming from Magistrates. When, however, the Magistrates had allowed him to take three hours' exercise in the day, and an arrangement had been made that this should be taken at different times in the day; he thought it was most capricious and vexatious to alter that arrangement, so as to oblige him to take those three hours in succession. Many healthy men would find it a great hardship to be walked for three hours together about a prison-yard; and to a man in a bad state of health, it was unreasonable to require him to take his exercise in that manner. He would recommend to the right honourable Secretary a careful perusal of the medical certificates, and that he should make every inquiry he thought proper thereupon.

Sir Francis Burdett thought that there were many very extraordinary circumstances in this case. He thought that it was extremely wrong, that Mr. Finnerty, or any other individual imprisoned only for a misdemeanour, should be treated with as much or greater harshness than common felons. This case shewed strongly the evils of sending persons to distant gaols, and inflicting on them the dreadful punishment of solitary imprisonment. He thought that the petitioner was entitled to every indulgence which was consistent with the sentence that the Court had pronounced. The Court of King's Bench had sentenced him to imprisonment; but they had not mentioned solitary imprisonment, or that he should be deprived of air and exercise. Indeed, it appeared to him, that it was the duty of the Sheriff to

see that no punishment was inflicted beyond the sentence, and that the Secretary of State was one of the last persons who should meddle in the business. He thought that the withdrawing from him that exercise which had been allowed by the Magistrates, was in the highest degree vexatious and oppressive. As to what was mentioned of irregular conduct on his part, he would only say, that he never knew of a complaint being made, that there was not immediately a charge against the person complaining of having acted improperly. No gaoler, however, or any other person, could have a right to punish a prisoner without any trial for such offences; and it could not be denied, that depriving the prisoner of air and exercise for five weeks was a very severe punishment. This system of close custody and solitary imprisonment had been so much misapplied in this country, that he would feel it his duty to call the attention of the House to it early next session.

Mr. Hutchinson thought, that if three hours a day were judged necessary to be allowed for exercise, it was downright oppressive and excessive cruelty to order it to be taken at one time. It appeared to him, that it was the duty either of the Secretary of State, or of the House, to see that the petitioner had the relief to which he was entitled. When it was stated, and not contradicted, that admission was denied to him, and that he was kept in a sort of solitary confinement, he thought that the right honourable Secretary should give a more explicit promise, to recommend that such relief should be afforded him. He should now say a few words about Mr. Finnerty, the petitioner. He was a person who had received a good education, and had, from his early years, when he was scarcely more than a boy, taken much to his heart the interests of his own country. When a system was pursued in Ireland which all honest and honourable men deeply lamented, and which every thinking man was then, as well as now, convinced was wrong, at that time it was his misfortune to be hurried away by an imprudent zeal; but he was right in the main, and advocated an honest cause—the cause of his country. Hurried away by his feelings, he transgressed the law, and was punished for that transgression. Afterwards we found him in this country, a person distinguished for labour and for talents, by the exertion of which he supported himself, and, as he understood, others also. It had, however, again happened to him to be carried away by his feelings, and to

publish that which the law calls a libel, but which he contended was truth. If he had spoken truth in a manner somewhat unjustifiable, although he must be punished for the libel, yet he ought not to be punished with that severity with which the most atrocious culprits were treated. When he was sent to a distant gaol away from his connexions, his means of supporting himself were rendered doubtful; but if health was also ruined by the severity of his imprisonment, he would not be able to earn a subsistence by the exertions of his talents, even when the term of his imprisonment should have expired.

Lord Castlereagh said, that as soon he heard it stated that undue severity had been used to the petitioner, he had interposed his best requests that the imprisonment should be marked with as much indulgence as was possible. In the prosecution of the petitioner, he had discharged what he considered as a most painful public duty. He believed the House knew pretty well that he was not disposed to be very querulous about animadversions cast upon the Government of which he had formed a part; but the libel of which he had thought it his duty to complain, was so gross an attack upon him in his public station, that he would have conceived it a breach of public duty to have passed it by. If he had not considered it in this light, it would have been much more agreeable to his private feelings to have passed it by, or not to have called for the judgment of the Court. As to what the petitioner now solicited, he considered that it was due to him as a matter of right, and he hoped that it would be liberally granted. He conceived that he was strictly justifiable in appealing to this House, or to the Prince Regent; and he hoped that his reasonable request would be granted. In other respects, neither the panegyric which the honourable gentleman (Mr. Hutchinson) had pronounced on the petitioner, nor the insinuations which he had thrown out against himself, should provoke him at the present time to go into the policy of the former Government of Ireland. He should, however, say generally, that he was ready and anxious to meet such a discussion if any honourable gentleman thought it for the public good to bring it on in a regular shape. He was prepared to defend, not the acts of individuals, many of which he knew were utterly indefensible; but he should be at all times prepared to defend the conduct of the Irish Government.

Sir S. Romilly thought the petition important on many grounds. It was a severe hardship for a gentleman, in the situation of the prisoner, to be confined to a solitary cell such as was appropriated to felons. When the additional suffering of solitary imprisonment was considered, he thought the House would not be of opinion that it should be entirely left to the discretion or caprice of the jailor, whether this great aggravation of the sentence of imprisonment should or should not be added. The Court, who pronounced the sentence, often considered for a long time about a month or two, more or less, in the duration of imprisonment; but what was a month, more or less, in the duration, when compared with the power which the jailor usurped, of making an imprisonment of eighteen months a punishment severer than death itself? The power of the Judges themselves was nothing like the power of the jailor. He thought, however, that it was much worse when Magistrates were found endeavouring to get money from the prisoner for the jailor. He never read the libel against the noble Lord; but he did not suppose that it could be worse than this charge, which was not contradicted, against two Magistrates. If the petition had been presented earlier in the Session, there were many points in it which deserved the serious consideration of the House.

Mr. W. Smith conceived the most important point was, that access was granted to him or denied at the will of the jailor. If this was endured, how were the grievances of any prisoner to be made known? Letters might be given to turnkeys, and immediately put into the fire. There was no knowing what illegal punishments might be applied in prison. The prisoner might even die under the hands of the jailor, and be said to go off in a fit. Some turnkeys might be brought forward to swear it. He thought there was no manner of security for a prisoner, if access at reasonable hours was not allowed to his friends. This was a subject of such importance, that he hoped it would engage the attention of Parliament.

Mr. Davies Giddy rose merely to state, that it never was asserted that any Magistrate said, that whether the imprisonment should be solitary or not depended upon paying a sum of money: they had only spoke of accommodation in apartments, leaving the nature of the imprisonment as it was.

Mr. Secretary Ryder again said, that it was owing to an irregularity on his part, that the prisoner had been restricted in his exercise; but that he should certainly recommend that he might be allowed sufficient exercise, subject to the restrictions he had before stated. As to the room being cold, a baize door was put up when that complaint was first made; and although some people had been refused admittance to him, many had seen him; and amongst them one gentleman, from whom he believed the honourable gentleman (Mr. Whitbread) derived his principal information.

Mr. Whitbread said, that in this as well as in other points, he wished that the right honourable Secretary would recommend the proper relief, and that which justice required; and that he would not leave it to the discretion of the jailor, whether the sentence should be aggravated to solitary imprisonment or not. He also wished, that the point of getting him an airy room should be settled in the same manner.

Mr. Brougham said, that he knew that access was denied to the petitioner. A friend of his, a practising barrister, and personally acquainted with some of the Magistrates, called to see Mr. Finnerty, and was told that he could not see him. On pressing the Magistrate, with whom he was acquainted, he was first answered that he could not see him, and afterwards that Mr. Finnerty did not wish to see any body. He replied, that he wanted a direct answer, aye or no, whether he could see Mr. Finnerty; and at length the Magistrate, seeing him so peremptory, permitted him to see him. Such conduct would in ninety-nine cases out of a hundred amount to a complete exclusion, as there would be few visitors in the situation of practising barristers, known to the magistrates, and having at the same time the spirit to require a positive answer to the question whether they might see him or not. He thought that it was not to be endured that Gaolers or Magistrates should assume a power of altering and aggravating a sentence at their discretion. He thought the petition to the Prince Regent in this instance was not for indulgence, but barely for justice.

Sir Francis Burdett knew a gentleman who had obtained admission to Mr. Finnerty, and he saw him standing up near the grate, endeavouring to read, although it was then the middle of the day.

Mr. Secretary Ryder again said that he would recom-

mend that sufficient air and exercise should be allowed him. If the room in which the prisoner was now confined was really as bad as was represented, and had such an offensive smell close to it, it would certainly not be a proper place either for him or any other person to be confined in.

After a few mutual explanations, the petition was received, and ordered to lie on the table.

Adjourned.

HOUSE OF LORDS.

MONDAY, JUNE 24.

DISAVOWAL OF THE DOCTRINE OF ASSASSINATION.

Earl Grey rose to call the attention of their Lordships, and of his Majesty's Ministers, to an article which had appeared in a French newspaper, published in London, and which had been put into his hands; in which the horrible doctrine of assassination was preached up and recommended in the most direct terms. The article he alluded to purported to be an extract from some English publication; and sorry was he to suppose that there was any Englishman who had a heart to conceive, or a hand to write, such a sentence as that which he referred to. As this paper might have some circulation upon the Continent, and might perhaps excite the idea that such infamous doctrines might receive countenance in this country, he did feel it necessary that his Majesty's Government should have an opportunity of expressing their abhorrence of such sentiments; for were they to circulate in such a shape on the Continent, without being expressly disclaimed by their Lordships and by the Government, they might produce effects most injurious to the character, and disastrous to the interests of the country. The article in question purported to be an extract from a work which recommended an Anti-Corsican Association. Here the noble Earl read an extract from it, the substance of which was, "that however reprehensible might be the general principle of cutting off your enemy by private means, yet it was possible to prove by solid reasons, and from weighty example, that in certain cases assassination was justifiable. When a man had been guilty of the most atrocious acts both of individual and national injustice—

when he had, in fact, declared himself bound by no law, and utterly beyond its reach—and such was the situation of Buonaparté—before what tribunal could he be brought, and how was vengeance to be inflicted upon him?" The paper then went on, said the noble Lord, to enumerate various acts of atrocity ascribed to the ruler of France; such as the murder of the Duc D'Enghien, of Pichegru, of Captain Wright, of Palm, and others, treating the subject in such a way that no one could understand it but as a direct incitement to assassination. In this view he was most anxious that their Lordships and his Majesty's Government should solemnly and publicly enter their protest against any such doctrines, that it might go abroad to the world, and counteract any false impressions that such doctrines might produce. He was sorry if it should be found that, under all the circumstances, the law did not admit of the publisher of such doctrines being punished in the most exemplary manner.

The Marquis Wellesley observed, that he could truly say, in point of fact, that the paper in question was never seen by him till it was communicated to him by the noble Lord opposite. He fully coincided with that noble Lord in thinking that such doctrines could not be too strongly reprobated, and that the atrocity of the sentiments could only be equalled by their absurdity. A doctrine more horrid in all respects he could not conceive; and he disavowed it, not only as a Minister of the Crown, but as a man of common sense. This writer had said, that the ruler of France had placed himself above all law; but he (Lord W.) trusted that there still remained a tribunal before which he might be compelled to answer even in this world. The nations of Europe might still call him to account, not by the poniard or the stiletto, but by calling forth all their energies, and punishing him in the field for all those acts of perfidious aggression, by which his name would ever be rendered odious. In that point, he doubted not, the noble Earl would concur with his Majesty's Government. It was lamentable that such a production should have issued from a British press; and he was sorry it had escaped his attention, though for only a few days. He would only add, that there was no way in which Government could take an opportunity of reprobating such doctrine that they would not adopt, and if possible bring the author of it to condign punishment.

Sir Samuel Romilly rose, and said, that he should be extremely sorry that a question of such great public importance should pass over like a matter of course without any observations. Although the passing of Insolvent Bills from time to time became necessary from the defect of our laws, the very necessity of them was a reproach to our law. He thought that it would be infinitely better, that some general Act should be passed on some fixed principle: for example, if after an imprisonment of twelve or six months, or any other fixed time, any debtor should be entitled to his liberation upon giving up his property. By the existing law the creditor is entitled to imprison his debtor for life, yet the Legislature found that this was a system on which it was impossible to act. It appeared to him that it would be much better to amend the defects of the system by a general law; and he highly approved of the principles of a Bill brought in in another place (Lord Redesdale's Bill), although he thought it was capable of improvement in some of its clauses.

Sir T. Turton hoped, that by the next session, gentlemen would be disposed to acknowledge the propriety of passing some general Act upon this subject; as the Insolvent Acts now operated, they did almost as much evil as good, as they certainly let out a great number of fraudulent debtors.

The House then went into a Committee on the Bill, and several clauses were brought up by Mr. Horner, which principally went to obliging the gaoler to make a return, and be examined with respect to his knowledge of the property of the persons imprisoned. These clauses were unanimously agreed to, the Report was received, and the Bill was ordered to be read a third time on Wednesday next.

ADJOURNMENT.

On the motion of *the Chancellor of the Exchequer*, it was ordered that the House, at its rising, should adjourn to Wednesday.

WEAVERS PETITION.

Colonel Stanley said, that he was extremely sorry that it was not in his power to propose any measure for the relief of the petitioners. He was glad, however, that the petition had been referred to a Committee, as the petitioners them-

selves would be better satisfied, when they found that although the House could give no relief, they had bestowed their serious attention to the case which had been laid before them. It was certainly a most afflicting consideration, that in the town of Manchester alone there were no less than 25,400 persons, who had, in some shape or another, received parish relief in the present year.

The Chancellor of the Exchequer observed, that it being now before the House, it must be disposed of in some regular manner.

The Speaker suggested, that it was the usual course in such cases for some gentleman to move the farther consideration of the Report at some day beyond the probable duration of the session.

Mr. Davies Giddy rose to move, that the report be taken into farther consideration this day month. He said that the conduct of the petitioners throughout was highly praiseworthy, and such as must excite the greatest sympathy for their misfortunes. He however deprecated the idea of reviewing the general policy of the government of the country in an investigation of this nature. If any gentleman saw any thing wrong in the general policy of the government, it should be brought forward as a substantive measure, and not blended up with the sufferings of any particular class of people. This might excite all the bad passions, and those most dangerous to the State, without doing the least service. If any particular manufacture fell into disuse, the only remedy the persons employed in it could have, was either to work at lower prices, or to employ their labour in some other manner. He thought that many of our manufacturers would be obliged to turn their attention to agriculture, which would make this country independent of the rest of the world. He thought it was necessary to extinguish any hope of their meeting relief in any other manner.

Mr. W. Smith, after expressing great compassion for the sufferings of the manufacturers, said, that the relief which they wished for was such as the House could not possibly afford. What they seemed most anxious for, was, that the master manufacturers should be obliged to give them the same wages when there is no market for the goods as if there was one. This was a remedy which could not be thought of on any principles of justice.

The further consideration of the petition was then postponed for a month.

MONUMENTS TO TWO GENERALS.

The Chancellor of the Exchequer rose to move for public monuments to the memory of Major-General Mackenzie and Brigadier-General Langworth, who fell at the battle of Talavera. He was extremely concerned, that he was so misconceived on Friday as to be understood to mean Sir W. Meyers in his notice. Although he was as sensible as any man of the gallantry of Sir W. Meyers, who fell at the glorious battle of Albuera, yet the House would see that it was necessary to draw a line somewhere, and that a person must have arrived at a certain military rank before such an honour was paid to his memory. Major-General Mackenzie, and Brigadier-General Langworth, were of that rank; and he took some shame to himself for not having proposed it before. The fact was, that when he moved the vote of thanks on the former occasion, it was the first time he had ever made a similar motion, and he did not then know that even the rank of Major-General was sufficient to have such a public honour bestowed; but, upon inquiry, he found that it was usual. After touching shortly on the merits of General Mackenzie, which were eminently displayed in the command of the advanced guard at Talavera; and also after bestowing commendations on Brigadier-General Langworth, an officer in the German Legion; he concluded by moving "an humble Address to the Prince Regent, praying him to order public monuments to be erected in the church of St. Paul, to those two Generals, and assuring him that the House would make good the same."

After a few observations from *Mr. C. Smith*, the Address was voted, *nem. con.*

THE MISSIONARIES.

Mr. Prendergast would wish to put a question to some honourable Members, whom he then saw in their places. He read, from a newspaper, proceedings of the Missionary Society, at a public dinner. To these resolutions were signed the names of Mr. Wilberforce, Mr. Babington, Mr. Grant, and Mr. H. Thornton. The part to which his attention was particularly directed, was that resolution by which "250*l.* was to be given, to pay persons for reading

the Scripture in the market-places of the populous cities in Asia." He wished to know, did those gentlemen avow such a resolution?

The Chancellor of the Exchequer spoke to order.

The Speaker said, that it was certainly quite new in the proceedings of Parliament, for Members to be questioned in that House about what passed at tavern dinners.

Mr. Prendergast said, that this paper would go to India, and might do a great deal of mischief there. It appeared to him a matter of such public importance, that he must, in some way or other, bring it before Parliament.

PROPERTY-TAX.

Sir T. Turton said, that he had been in possession of the House before that conversation began, and had only sat down on supposing that the honourable Member was bringing forward something respecting the privileges of the House. He was sure the honourable gentleman (Mr. Wilberforce) would give him any information he wished upon that subject in private. He should now, with the permission of the House, proceed to the motion of which he had given notice. He thought it was most evident, that the Property-tax, as it was called, was very unequal in its operation, and very oppressive on many classes of society. A person who had 200*l.* per annum by an annuity, which would expire with his life, was called upon to contribute his 20*l.* as well as the man who had his 200*l.* per annum from land that would sell at thirty years' purchase, although the one man would have property to the value of 6,000*l.* to leave to his family, and the other would have nothing. This was in the highest degree unequal and unfair. It was very hard upon poor excisemen, whose salaries were but 70*l.* or 80*l.* a-year, that they should be obliged to pay income-tax. It was extremely hard on those whose incomes were not 60*l.* per annum. It was also extremely oppressive on the small stock-holder whose dividend amounted to forty shillings a-year. If it could be proved that the tax was unequal and unjust, it ought to be equalised and set right, even although the revenue must lose by such alteration. After some farther observations, he concluded by moving "that the House do, at an early period in the next Session, take the inequalities of the Property-tax into their consideration."

The Chancellor of the Exchequer said, that he was always

averse to the House giving such pledges unless there was something very particular in the nature and urgency of the measure proposed, as without such a pledge it was competent to any Member of Parliament to bring the subject forward as early as he pleased in the next Session; and the giving the pledge, while it did not really bind the House to adopt any particular measure, yet would appear to the public like pronouncing an opinion upon the subject, and holding out some sort of promise, that an alteration was to be made. Now, when a former Administration thought proper to raise the income-tax to ten per cent. he thought they had acted wisely and manfully; and although he did not agree with them in the argument, that it would be pleasanter to pay ten per cent. at once, yet he approved of the increase of the tax. If he thought it necessary at that time, the public expenditure was certainly not diminished since that time, and therefore he must oppose a material diminution of the revenue. The honourable Baronet had himself been aware, that the alterations he intended to propose would produce a material diminution in the revenue; and there would be no way of supplying it but by laying taxes on some of the necessaries of life, which would press as strongly upon the poorer classes, as the tax from which it was proposed to relieve them. As for laying a higher income-tax upon the richer classes, that would be a complete subversion of all the principles of justice, by which the property of all men should be equally protected by the law. As to what the honourable Baronet had said of the war being carried on from a sanguinary motive, he could not agree with him; he did not think the people of this country were actuated by any such principle, and he was certain the war had never been continued by Ministers on any other ground than from a thorough conviction of its absolute necessity.

Mr. W. Smith said, though he agreed with the right honourable gentleman that the difficulty of modifying this tax was extreme, yet he did not see any reason why it should not be attended to. He had therefore seconded the motion, and thought the House ought to show the people, that where irregularities do exist, it will do its utmost to correct them. If they were to take off from the lower classes, and put it on the higher, it would unquestionably give ease and quiet to the public; and he was therefore of opinion, the House

would do well in pledging itself to take the subject into consideration early in the next session.

Sir T. Turton shortly replied. He never had an idea of taking the whole tax off the lower classes, and placing it on the higher; but he thought a medium of approximation might be hit upon; and it was on the principle of contributing according to ability, that he wished to advocate the measure. If ever there was a period in which there was a necessity for Ministers to consider how far the people could not contribute from inability, the present was unquestionably that period. Every thing that could be done by courage and noble exertion, he was confident would be effected; but the struggle he was convinced would be long, and it would be highly necessary to husband our means of carrying on the war. It was impossible we could hold out otherwise against the superior population of France, because for every 5,000 men we lose, they can afford to lose 20,000. This motion had engaged his attention for a great length of time, and he thought it so important, that though he should now fail in it, he would certainly bring it forward in the next Session.

The motion was then negatived without a division.

The Lords' amendments to the Militia Interchange Bill were, on the motion of Mr. Secretary Ryder, read and agreed to.

Mr. Prendergast gave notice, that he would on Wednesday move for all the papers sent to India relative to the English Missionaries.

Sir T. Turton, in the absence of Mr. Sheridan, postponed the consideration of Mr. Mason's petition to Wednesday.

Adjourned to Wednesday.

HOUSE OF LORDS.

WEDNESDAY, JUNE 26.

A little before four o'clock the Committee of Privileges adjourned, in order that the Royal Assent might be given by Commission to several Bills; and the House having met, the Lord Chancellor, the Earl of Aylesford and Lord Walsingham, took their seats as his Majesty's Commissioners. The Commons having come to the bar, the Royal Assent

was declared and notified in the usual form to the Appropriation Bill, the Lottery Bill, the Vote of Credit Bill, the Irish Duties and Drawbacks' Bill, the Irish Vote of Credit Bill, the Timber Duties' Bill, the Irish Stage Coaches Bill, the Militia Bills, the Temple-Bar Improvement Bill, the the Army Prize-Money Bill, the Soldiers' Families Bill, the Cornish Miners' Bill, Lord Cloncurry's Divorce Bill, the Bank Silver Token Bill, several local and private Bills—in all 67.

Earl Stanhope gave notice that he should to-morrow introduce a Bill respecting the buying of Guineas and the depreciation of Bank-notes, and moved that the Lords be summoned.—Ordered.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, JUNE 26.

PETITION OF MR. MASON.

Mr. Sheridan said, the case of Mr. St. John Mason, which he was now bringing before the House, was one of the most unexampled grievances which had ever occurred in the annals of oppression in this country. From his former experience it was his wish that the Irish Government should agree to take Mr. Mason's case into their own hands; but from the absence of the right honourable gentleman, lately principal Secretary, and now Chancellor of the Exchequer, for Ireland, he was obliged to relinquish any hopes he might have formed on that subject. It was some time since Mr. Mason had suffered the oppression and injustice of which he complained; but it was proper to observe that Mr. Mason brought no charge against Lord Hardwicke, under whose Administration that oppression took place. What Mr. Mason complained of was, that on false information he had been arrested and kept in imprisonment for two years in one of the most loathsome and unclean prisons which the imagination of man could conceive. The horrors of the Irish prisons could not even be imagined by those who had not attended to the Report which had been made on the subject. Two-thirds of the gaols, especially of those in the vicinity of the metropolis, which were the principal

gaols of the country, were declared to be a complete nuisance. It was astonishing that these abuses should have subsisted so long under the cognizance of so many Members of Parliament of that country in this House. The power of the Commissioners appointed to examine into the prison abuses in Ireland, was limited to that object alone. Some of those prisoners who like Mr. Mason were arrested and put into confinement without any sufficient cause, during the suspension of the Habeas Corpus Act, thought themselves entitled to compensation for the injury which they had sustained from it; but Mr. Mason had uniformly persevered, with an anxiety which did him the highest honour, not to seek for compensation for the losses which he had sustained in being dragged from an honourable profession to the destruction of all his future prospects in life, but to have his character, which had suffered in the eyes of the world by a groundless imprisonment, again restored to him. He had uniformly persisted in challenging all inquiry into his conduct, and in calling upon Government to shew any thing to the contrary of his statement. There was one paragraph of his petition particularly deserving of notice, in which he stated that he had applied to the Irish Government, again and again soliciting an examination into his conduct, but that all applications which he had hitherto made had been unavailing; and he therefore concluded that the Irish Government were under an absolute inability to state any just cause for his imprisonment. Mr. Mason charged the Government of the Earl of Hardwicke with injustice and oppression towards him, and with an abuse of the power which had been granted to them for the protection of the people; and no answer had been made to him from which it might be possible to say whether the information received by the Government was such as to justify them. If the information upon which a man was deprived of his liberty was not producible, then there was an end to every thing like redress. If they were to keep a man in custody for two years, and then to be allowed to say, it is true we have thought proper to imprison you for two years, we have been the ruin of you and your family; but we did it upon very sufficient information, which we will not produce—that was no answer to the petitioner. What possible reason could Government have to oppose his claim? He wished Government themselves to take up this examination, that they might see that they had proceeded on false infor-

mation. Was it not the wish of Lord Hardwicke himself that this examination should be entered upon? Here he stood charged with oppression by a person who defied him to produce any thing against him. Surely, then, it must be his wish to examine into the charges on which Mr. Mason was imprisoned, that if they should turn out unfounded, he might have the satisfaction of restoring Mr. Mason to his former character in society. Under such an impression, he had no idea of the Government's controverting this petition. There were two ways alone by which the petitioner could obtain redress. One of these was by the appointment of a Committee up stairs; but at this late period of the Session, as it would be necessary, in order to give the necessary information to that Committee, to move for the production of a number of papers in Ireland, it was impossible to anticipate any benefit from a Committee. What he had to propose was, to leave the matter in the hands of the Irish Government themselves, in the same way as the examination of the prison abuses had been entrusted to them, which he would follow as a precedent; and he had no doubt that the consequence of such examination would be the restoration of character to Mr. Mason. He should therefore move that an Address be presented to the Prince Regent, that an inquiry should be instituted into the grounds on which John St. John Mason, esq. was imprisoned, whose petition was laid before the House on the 17th day of May last, &c.

Mr. Yorke seconded the motion. This subject had more than once been before the House, but the right honourable gentleman had always fallen upon some day towards the end of the Session. In the present Session notice was given two or three times, but the motion had been removed from time to time to the present time. If this was a case of unexampled oppression, he should have imagined that it would have been brought forward among the earliest things of the Session. The imprisonment took place in 1803, and Mr. Mason was released so long ago as in 1805—why was the affair not earlier canvassed? The right honourable gentleman had stated what the petitioner did not state, the place in which he was imprisoned was loathsome and abominable; but he apprehended the right honourable gentleman could hardly have read the Report on the subject of the Irish Prisons, because that Report completely refuted any such assertion. Speaking of Mason and Long, it stated,

that the Commissioners took it for granted that Government had some cause for the distinction with which they were treated; for although they made the heaviest imputations on the manner of their treatment, the Commissioners could only impute it to exasperation. He apprehended therefore, that there was no foundation for this charge, and that Mr. Mason had had every indulgence compatible with his situation. A great deal had been said about the producibility of the evidence, and that if it was not to be produced, there could be no redress; but this reasoning would not only apply to this, but all cases under the suspension of the Habeas Corpus Act, and would go the length of preventing any such suspension from ever taking place. From the Revolution downwards, it had been found necessary to give powers to the Crown at certain times to arrest on such information as, if developed, would prevent any benefit accruing from those measures which the times might render necessary. It was no doubt very laudable in the petitioner, to wish to clear his character. He believed the information on which Government acted would be found contrary to the expectation of that gentleman, but he should be happy were it otherwise. Lord Hardwicke could have no wish to oppress Mr. Mason, for he was personally unknown to him.

Mr. Wm. Smith wished to do away every unfavourable impression which the distance of time might make in the House. He had met the petitioner occasionally at the House of a common friend; and if any delay had taken place in bringing his case forward, he could take it on him to say, that it was not attributable to him, though other gentlemen might innocently enough be the cause of it, because he would take it upon him to say Mr. Mason was incessantly endeavouring to forward his petition. If Mr. Mason had not good and sufficient grounds, he could not imagine he would be so anxious to procure an examination in public or in private, or in any other way. He acted like a man conscious of his own innocence. It might very well happen that in a country like Ireland, where parties were in such a state of exasperation, if anonymous information were listened to without any confrontation, an innocent man might become the victim of a party spleen and malice. The right honourable gentleman (Mr. Yorke) had said, the argument extended to all Habeas Corpus Suspension cases. He confessed he was more anxious for the general than the in-

dividual case. The public safety might demand occasional suspensions of the Habeas Corpus Act; but what was that but saying that the public safety might require an injury to an individual, holding him up to all the members of society as a suspected person, and at last dismissing him without accusation? Where was the remedy for this oppression? This ought not to be allowed to take place in a free country. There ought to be some tribunal appointed, where an injured individual might seek redress; and if Government could show no grounds for the deprivation of a man's liberty, then he ought to be declared innocent of those crimes for the suspicion of which he was arrested. In this way it would be possible to reconcile the justice due to the country at large with the justice due to any individual who might suffer for the sake of the country at large. He wished that a Committee up stairs had been appointed, as the Government might very naturally wish to justify themselves.

The Chancellor of the Exchequer said, there were cases in which it might be necessary to arrest persons on information which could not only not be disclosed at the time, but which he would say ought never to be disclosed, as by a breach of faith they would never afterwards receive similar information. He believed no Jury would award damages in a case like the present, if no unreasonable or unprincipled hardship could be brought forward. The way which the petitioner had chosen seemed to him the best way which he could take; for it was in the power of the Government to take such measures as would ensure secresy—and if the House was not satisfied with the Report, it was competent to order a further examination.

Sir Francis Burdett said the doctrines laid down by the Chancellor of the Exchequer seemed to him of such a nature, that if they were true, we seemed to have no security for personal liberty in this country, more than what was possessed by men in other countries. If a man was to be kept in solitary confinement for two years, and the grounds upon which Government acted were not to be made known to him, it was impossible to define arbitrary power more completely. This was just such a doctrine as one would expect to hear from Buonaparté's Minister of Police, or whoever else should fill a situation corresponding to that of the right honourable gentleman over the way. The Suspension of the Habeas Corpus Act gave Ministers no right to imprison persons whom they were not authorised otherwise to im-

prison: it only took away from the unfortunate individual the right of forcing on his trial within a reasonable time. With respect to the treatment which the petitioner had received from Dr. Trevor, he would ask, what colour Dr. Trevor had to alter the treatment of the prisoners. There seemed to be lately a new mode of proceeding adopted with respect to gaols, persons interfering in the management of them who had no right to interfere. They were told of the character of Dr. Trevor, and they were also sure to be told of the character of the unfortunate complainers. This put him mind of the case of a gentleman's Steward. Whenever any complaint was made against his conduct, the person who complained always stole his master's faggots. He heard the other day of the improper conduct of a person under confinement in this country. What that impropriety was he could not conceive.—If the prisoner had endeavoured to effect his escape, then the gaoler was bound in duty to take measures for securing him; but he was not at liberty to punish this individual at his own discretion. He should wish to see an action brought against Government by the petitioner, and he thought that any Jury would give it in his favour. It was always the case with governments to possess an unwarrantable jealousy with regard to the subjects; they wished always to make assurance double sure, rather than allow some persons to escape from whom they apprehended danger.

Mr. C. Hutchinson said he should be sorry, in voting for the present motion, if any one should suppose that he was anywise reflecting on the character of Lord Hardwicke, of whose Administration the leading features were lenity and conciliation. At the time when Mr. Mason was arrested, there was no rebellion in Ireland, bu merely an alarm and suspicion; and there was every appearance, from the anxiety which that gentleman displayed to have his case examined into, that he was innocent. But in sending this investigation to the Irish Government, there was no imputation thrown on the Irish Government, because it was perfectly possible for the Chief Governor, however amiable, to have been misled, and for acts of the greatest outrage to have been committed under his auspices under the pretext of keeping down rebellion; and though he was not for charging the noble Earl with countenancing these oppressive measures, yet he would say, that the greatest outrages which were committed in 1798, were not committed by the rebels, but

by those who acted under the Government. To his knowledge several innocent individuals had been ruined by the measures adopted towards them, and then let loose on the country without retribution or compensation.

Mr. Long said, that such was the lenity of Lord Hardwicke, that he had been desired by him to examine into the cases of the several prisoners, and to report them to him, with the anxious desire to find out any thing in their favour. He then mentioned the treatment of Mr. Mason, which, he said, was perfectly proper.

Mr. Sheridan denied that any charge was meant to be brought against Lord Hardwicke. All that was alleged, was that Lord Hardwicke had been deceived. But the chief point to which he was anxious to advert, was, the view which had been taken of the suspension of the Habeas Corpus Act.—Most erroneous notions were entertained even by lawyers on this subject. Many gentlemen appeared to think, that by the suspension of the Habeas Corpus Act, Government might on the slightest suspicion seize any one, and confine him without a trial as long as it pleased. The suspension gave no such power. He maintained that it never had been so acted upon since the Revolution till Mr. Pitt's Administration. The extent of the power was this—that Government having committed a person upon such information as would at any time have justified that commitment, might, by virtue of the suspension, put off the trial; and this in critical times might be necessary, as a premature disclosure of the evidence might in certain circumstances be extremely prejudicial. But under Mr. Pitt's Administration they did not wait for this information, nor was it specified in their warrants that any such information had been obtained. They thought, that from the most trifling suspicion in their own breast they might imprison and keep the object of their suspicion as long as they pleased. They were in reality guilty of a serious crime, and the gaolers too, were criminal who consented too receive prisoners under such warrants. And what was the remedy for these proceedings? An Act of Indemnity. He knew it must come to that, for they themselves found that their conduct was illegal. If Ministers were permitted to act thus, and to be indemnified for such conduct, there was no security for the liberty of the subject. Sham plots, or real plots, or plots of any description, would afford the Minister a pretence for confining persons obnoxious to him. The indemnity to

which he alluded passed under the Administration of Lord Sidmouth, and it was the only Act of that Administration which he had decidedly reprobated. As to Mr. Mason's having recourse to a Jury, that was utterly impracticable. Mr. Mason had applied in all quarters for trial and redress—to every new Lord-Lieutenant—to every new Chief Secretary—and, being himself a lawyer, it would have been strange if he had overlooked a trial by Jury if that had been open to him. Mr. Mason, he had no doubt, would have been happy to have appealed to a Jury of his countrymen; but, as he stated in his petition, he could not get redress by the ordinary forms of law; and he was persuaded, that, on inquiry, it would be found that he could not have recourse to a Jury. As to the conduct of Dr. Trevor, he contended, that after the documents which had been produced by him on a former occasion, and the affidavits of the most honourable persons, it was hardly possible to doubt but Dr. Trevor had been guilty of gross oppression. An inquiry was had in consequence of the statement which he had made to the House, and he would now read some passages from the Report of the Commissioners. (He accordingly read some extracts) from which it appeared, that thirteen persons had been confined in one cell, 18-feet by 12; and the reason alleged for this was, that the prisoners would by this means be more under the eye of the keeper. It had been stated that Kilmainham gaol was a very clean place; but the report was, that though it had been once a very clean place, yet for five years past it had been filthy beyond description. He was sure the chief Secretary for Ireland must now feel very happy that he had agreed to the examination into the state of the prisons, which he (Mr. S.) had formerly proposed. As Mr. Mason's case was at last to be investigated by the Irish Government, he had only to express his hope that he would be fully heard in his own defence. Certain it was, that the language of Mr. Mason was not that of one conscious of guilt, or afraid of trial.—The motion was then agreed to.

In compliance with a message from the Lords, the Reports relative to the draining of Irish bogs were sent them.

COMMITTEE OF PUBLIC EXPENDITURE.

Mr. Bankes presented the Tenth Report of the Committee of Public Expenditure, which was laid on the table. In moving that the Report be printed, he begged leave to

call the attention of the House to it, as it contained what he conceived to be matter of the greatest importance. It related to the speedy audit of accounts, which would tend more than any thing else to check an improvident waste of the public money. He had long wished to bring the subject of the tardy examination of military and regimental accounts before the House, but had never been able to do so till this Session. These accounts were even in a worse condition than the civil accounts. Regulations were proposed to remedy the evil—and though much yet remained to be done, he trusted that a most useful foundation was laid. The execution of the details he left to his right honourable friend the Chancellor of the Exchequer, who he believed was well disposed to these improvements.—The Report was then ordered to be printed.

MISSIONS TO THE EAST.

Mr. Prendergast, after stating that no one could be more desirous than he was to extend the light of Christianity wherever it could be done with effect and advantage, observed that he felt himself called upon to bring the subject of Missions to the East before the House, in consequence of a paragraph which he had seen, purporting to be a part of the proceedings of a society in this city for propagating Christianity. The paragraph in question he thought highly exceptionable; for if the proceeding which it recommended were adopted, the effect would be to scatter disaffection among forty or fifty millions of the most peaceable people in the world, and these strongly attached to the British. He was sure the Member for York, himself, if he had sufficient local knowledge, would see the impolicy of any compulsory means, of whatever description, to spread Christianity in India. He hoped that some explanation of the paragraph in question would be given, and if that should be satisfactory, he would not press his motion for all the documents sent to India since 1807, relative to the Missions in that quarter; otherwise he would.

Mr. Charles Grant said, that neither he, nor his friend (Mr. Wilberforce), had ever heard of the measure alluded to till it was read at a Meeting of the Society for propagating the knowledge of Christianity in Africa chiefly, and also in the East. But he had felt no alarm at the passage in question. It referred merely to a recommendation of the Committee of that Society in the East, that the Scriptures

should be read in public to the people in their native language. The Hindoo and Mahometan Scriptures were read publicly already; and the reading of the Christian Scriptures in the same manner, would give no offence whatever. But even this could not be attempted without the sanction of the Government, and the regulations of the Government on this subject, if at all erring, erred rather on the side of extreme prudence and caution. He trusted he need make no apology for the Committee in this country. There was no intention to enforce this measure by any authority of Government, or any compulsory means whatever. It was only proposed to leave the matter to make its own way.

Mr. Prendergast was satisfied with the explanation, and did not press his motion.

Sir Francis Burdett called the attention of the House to the case of a soldier who had been lately condemned to be flogged in the Isle of Wight, for being absent at night. It appeared from this, that the discretionary power given in the Mutiny Act was not likely to be attended with much effect in preventing the infliction of this disgraceful punishment. Rather than submit to it, the man actually cut his throat; but it was sewed up, and it was said that the man only deserved additional punishment for the attempt. He belonged to the Royals, and his name was John Evans. He concluded by giving notice, that he would next session again call the attention of the House to this subject.

Mr. Parnell, adverting to the fact that the offices of Chief Secretary and Chancellor of the Exchequer in Ireland were united in the same person, begged leave to ask, whether the collection of the revenue was still to be subject to the control of the Treasury Board, and not to that of the Lord-Lieutenant? It would, in every view, be most beneficial that it should be subject to the control of the Treasury.

Mr. Perceval could only answer, that in each capacity the officer would be subject to the usual control; that as Chief Secretary, he would be subject to the usual control over that office; and as Chancellor of the Exchequer, subject to such control as had before prevailed with respect to persons in that situation.

Mr. Horner having moved the third reading of the Insolvent Debtors Bill for England, which was agreed to,

brought up Clauses for extending the provisions of the Bill to the Isle of Man. He stated the unfortunate situation in which strangers were placed who had taken up their residence in the Isle of Man. Natives of the Island had a law applicable to them, which was in a great measure similar to the *cessio bonorum* in Scotland. Strangers, however, were excluded from this benefit, and the only allowance they had was 6*d.* per day, without having any parochial or county allowance. He accordingly introduced clauses, extending the provisions of the Act to all persons who had been in gaol in the Isle of Man since the 1st of May, for debts not exceeding 2000*l.*; to persons who had been in prison for five years, for debts not exceeding 3000*l.*; and to persons who had been in prison for ten years, for debts of any amount.

A conversation took place on this subject, between Mr. Abercromby, the Chancellor of the Exchequer, and Mr. Stephen, when Mr. Horner agreed to restrict his clauses to persons who were strangers resident in the Isle of Man.

The clauses thus limited were agreed to, and added to the Bill, which was read a third time and passed.

Adjourned.

HOUSE OF LORDS.

TUESDAY, JUNE 27.

GUINEAS AND BANK NOTES.

Earl Stanhope, on introducing the Bill of which he had given notice, regretted that the subject had not been taken up by Government, as he conceived it to be of the greatest importance. An individual possessed of large landed property had given notice to his tenants that they must at this Midsummer pay their rents in gold, which was accompanied by an intimation that if they tendered Bank notes, such notes would only be taken in payment at the rate of 16*s.* in the pound.—For the dreadful oppression upon the tenantry of the country to which the adoption of such a system would lead, it was absolutely necessary to provide some legislative remedy. Supposing a tenant to owe 400*l.* for rent, he would thus be called upon to pay 500*l.* instead of four, and the consequences might spread still further; supposing a banker to owe 400,000*l.* to those who had

deposited money with him, how was he to stand if he was to be called upon to pay 500,000*l.*? He had consulted both bankers and professional men of the law, as to the remedy which he proposed; and they were all of opinion that it was the right remedy. The remedy was simple, it was merely to render it illegal to receive gold coin for more than their mint value, or to receive bank-notes for less than the amount expressed in them. This would prevent the evil which must otherwise arise from the act of injustice to which he had alluded, and which must be aggravated in a still greater degree if the example of injustice thus set should be followed by others. Therefore, however late the period of the session, he thought it absolutely necessary that some step to remedy the evil should be taken now, as when Parliament met again it might be too late. It was also a serious consideration how far the Bank of England might be affected by the adoption of a system similar to the conduct of the individual alluded to; and it was incumbent on the Government to look anxiously to this point. He considered the Bank of England as the bottom plank of the ship of England, which if once bored through, the ship itself was placed in a situation of the greatest danger.—His Lordship then alluded to some reports respecting him, which had got abroad, and which were utterly false; and, after stating that he was solely actuated in the measure he now proposed by public motives, concluded by presenting a Bill for preventing guineas, half-guineas, and seven-shilling pieces, from being taken for more than 21*s.*—10*s.* 6*d.*—and 7*s.* respectively, and for preventing bank-notes from being taken for less than the sums expressed in them, of which he moved the first reading.

The Earl of Liverpool was perfectly convinced that the noble Earl was actuated by the best motives in bringing forward this Bill; and so far as he had time to consider the measure, he thought it the best remedy for the grievance complained of, if any remedy were now, or should be necessary. He thought, however, that it was unnecessary at the present moment to make any legislative provision upon this subject, particularly at this late period of the session, when so many persons were absent, not expecting any thing of importance to come on. He admitted, that if it was absolutely necessary to make a legislative provision with reference to this object, they must proceed in it, however late the period of the session, and whatever might

be the inconvenience. He was aware of the case to which the noble Earl alluded, and knew that the notice had been given by the individual referred to, to his tenants, to pay in gold, and that it was accompanied, not merely by an intimation, but by a notice, that if bank-notes were tendered, they would only be taken in payment at a depreciated rate. He was of opinion, however, that this example would not be followed; nor did he think that the individual alluded to would persist in the demands he had made. It was under this impression, that he thought a sufficient case had not been made out for legislative interference. They might be reduced to adopt the remedy now proposed; but he thought, as there was only the instance of the conduct of one individual, which, he was of opinion, would not be persisted in, that there was not sufficient ground for Parliament to make a legislative enactment. It was in this view of the subject, that he intended, on the motion for the second reading of the Bill, to move to postpone it for three months.

The Earl of Lauderdale thought it was incumbent on the Government to shew that the subjects of the country were protected from injustice by the laws, and that they were not left for protection to the discretion and caprice of individuals. He had stated some time since a similar instance in Ireland, where a landlord had demanded his rents in gold—and as soon afterwards as the post could bring them, he received several anonymous letters, stating several other instances in which a similar demand had been made.

The Earl of Clancarty was anxious to know what part of the North of Ireland, as in the province of Ulster bank-notes were refused to be taken as early as the passing of the Bank Restriction Bill; and as they came gradually into circulation they were taken in payment in many instances at a discount, but that practice was rapidly declining.

The Earl of Lauderdale was aware of the practice to which the noble Lord alluded, but he also knew an instance, which he had formerly stated, where a landlord called upon his tenants to pay in gold, and the latter having represented to the steward the impossibility of procuring gold, they were each told that there were one hundred guineas at a chandler's shop in the neighbourhood which might be purchased; and it was a fact, that with these hundred guineas, passing from one to another, a rent of 7,000*l.* was actually paid.

The Earl of Clancarty was very desirous of knowing

who the party was to whom this circumstance referred. His Lordship then observed upon the black malignity which must have actuated the individual who had been referred to in the early part of the debate, as having demanded payment of his rents in gold, or that he would only take bank-notes at a depreciated rate.

The Earl of Lauderdale objected strongly to the terms black malignity, contending that the noble Lord alluded to might have been actuated by the purest patriotism, in determining to force upon the Government the consideration of the situation of the country, to which his Majesty's Ministers seem determined to shut their eyes.

The Lord Chancellor was of opinion, that from all they had heard, there was little danger of the example alluded to being followed by others. He was, however, at a loss to conceive what pure patriotism there could be in the conduct of the individual who had been alluded to. Supposing he owed 100*l.* to his coach-maker, who was also his tenant, from whom he was to receive 100*l.* for rent, and he was to pay the debt of 100*l.* on the Monday, and tell the coach-maker that he would only receive in payment of the rent on the Tuesday, bank-notes at a depreciated rate, and that therefore he must have 120*l.* in bank-notes for his 100*l.* rent, where would be the pure patriotism of all this?

The Earl of Lauderdale said, he had been misunderstood by the noble and learned Lord; he only meant to say that there might be pure patriotism in an individual forcing this subject upon the attention of the Government, who seemed determined to be blind to the real situation of the country. As to the supposition of the coach-maker, he would of course take care to charge so as make up for the depreciation of the currency in which he was to be paid; but in the case of rent, which was a fixed annual sum, how was loss by the depreciation to be made up?

The Lord Chancellor put the case of a coach-maker having contracted some years since to furnish carriages at a fixed sum, as a similar case to that of rent. He was however fully convinced, that any individual of landed property who chose to insist upon his rents in gold, or only to take bank-notes at a depreciated rate, would in the balance of account, at the end of the year, find himself a loser by his conduct.

The Earl of Lauderdale, in explanation, alluded to the terms black malignity—upon which the Lord Chancellor

and he had not alluded to black malignity, but to pure patriotism.

Earl Stanhope, in reply, strongly contended that the subjects of the land ought not to have the security of their property rendered dependent upon the caprice or whim of individuals, and that a legislative remedy ought to be provided. It was the whim of some persons, and he could only call it a whim, to have gold in preference to any other circulating medium. This desire to have gold was founded in ignorance, as there might be a circulating medium without gold perfectly adequate to all the exigencies of the country, and which might be effected by the branches of the Bank of England, and the entries in the Bank books to which he had alluded on a former night. Gold was only the measure of other things, and was not necessary to circulation.

The Bill was read a first time, and ordered to be printed.

Adjourned.

HOUSE OF LORDS.

FRIDAY, JUNE 28.

BERKELEY PEERAGE DECISION.

The House met in the Committee of Privileges at two o'clock on the Berkeley Cause, when the Lord Chancellor entered at considerable length on the evidence adduced respecting the claims, and concluded by moving a Resolution, stating, that the claimant, William Fitzharding Berkeley, had not made good his claims to the titles, honours, and dignities, of Earl of Berkeley, Viscount Dursley, &c. This Resolution being put, was agreed to *nem dis.*

The Earl of Radnor thought, that the Report of the Committee of Privileges was on too important a subject to be made to the House on the same day it was agreed to, and that some interval should be allowed.

The House then resumed, prayers were read, and afterwards Lord Walsingham presented the Report, which was ordered to be taken into consideration on Tuesday next.

The House then adjourned till Monday.

HOUSE OF LORDS.

MONDAY, JULY 1.

INSOLVENT DEBTORS.

The Amendments in the Irish Insolvent Debtors Bill were agreed to.

On the English Insolvent Debtors Bill, *Lord Redesdale* objected to the clause added by the Commons, for extending the relief to persons imprisoned for debt in the Isle of Man, considering it as an unnecessary interference with the local Legislature of the Island, which was now sitting, and as attempting to legislate without the requisite information as to the laws and regulations of the Isle of Man having reference to this subject.

Lord Holland defended the clause, contending that Parliament had a paramount jurisdiction in the Isle of Man, and that there were numerous instances of Bills passed affecting that island. There were besides many circumstances in the imprisonment of persons for debt, which had a claim on the compassion of the Legislature; and the clause only extended to persons who were not natives of the island, and to whom therefore the laws of the island did not apply.

Lord Redesdale contended, that this was the first instance of attempting to interfere with the internal concerns of the Isle of Man, and that it ought not to be done without competent information, which, at this advanced period of the session, it was impossible to obtain.

After some further conversation the clause was negatived, and a message was sent to the Commons, desiring a present conference in the Painted Chamber.

The two Masters in Chancery (Messrs. Thomson and Alexander) sent with the Message having returned, and stated that the Commons agreed to a conference, and Mr. Quarme, the Deputy Usher of the Black Rod, having announced at the Bar, that the Commons were waiting for the conference in the Painted Chamber, the Lords who were appointed managers of the conference, namely, Earl Graham (Duke of Montrose), Earl Bathurst, Earl Grosvenor, the Bishop of Clonfert, Lords Walsingham, Arden, and Redesdale, went forth. On their return, Earl Graham reported that the conference had been managed

on the part of the Commons by Mr. Ryder, and that the Commons did not persist in their amendment.

GUINEAS AND BANK NOTES.

Earl Stanhope was desirous of postponing the second reading of his Bill till to-morrow, in consequence of having received a letter from the noble Member of that House, who was alluded to in the debate on Thursday, expressing a wish that the second reading of the Bill might be deferred till to-morrow.

The Bill was accordingly ordered to be read a second time to-morrow.

Adjourned.

HOUSE OF COMMONS.

MONDAY, JULY 1.

Mr. Bankes presented another Report from the Committee of Public Expenditure, which was laid on the table, and ordered to be printed.

POOR OF MANCHESTER.

Colonel Stanley, adverting to a misrepresentation of what he had said relative to the Poor of Manchester,—viz. that he had stated the Poor of the town of Manchester above at 25,400, observed, that what he had really said was this,—that the above number of Poor existed in the parish of Manchester, including twenty-nine townships. (*Hear! hear!*) He had the authority of the Churchwardens of Manchester for saying, that the Poor of every descriprion receiving parish relief in the town of Manchester did not exceed 9,000, and that the numbers were not greater than in last year's report.

STRAW HAT MANUFACTURERS.

Mr. Giles stated, that he had a Petition in his hand from the Straw Hat Manufacturers, complaining of the injury they sustained from the French Prisoners being permitted to make these articles. An informality in the petition prevented him from presenting it; but he had thought it his duty to apply to the Government, and he found that the Secretary for the Home Department, and the Transport Board, were doing all in their power to

remedy this evil. If they did not succeed, a Parliamentary regulation might be necessary.

VEXATIOUS ARRESTS.

Mr. Perceval stated, that the Vexatious Arrests Bill had been dropped, and by accident not taken up again till now. But, he supposed, there was no objection to it, and he therefore proposed that it should be forwarded. It accordingly went through its several stages and passed.

NOTICES OF MOTIONS.

Colonel Palmer gave notice, that next session he would bring forward the claims of Mr. Palmer in the shape of a Bill, that the question may be finally decided.

Lord Cochrane gave notice of a motion for further papers relative to the proceedings in the Malta Prize Court; and also for the recall of the Judge and another Officer.

MR. FINNERTY.

Mr. Chaplin presented a Petition from Mr. Merryweather, the Lincoln gaoler, complaining of scandalous misrepresentations in Mr. Finnerty's Petition, and praying for an inquiry into his conduct. It concluded by stating, that Mr. Finnerty had been abridged of certain indulgences, on account of an attempt to seduce one of the Turnkeys from his duty, for the purpose of gaining admission by a window to a female convict—[But the Speaker said, that as there was no deposition, this latter part of the Petition must go for nothing].

Mr. Whitbread was glad that this Petition of the gaoler had come forward, as it contained a specification of the charge against Mr. Finnerty. But, supposing it true, it was not therefore proper that Mr. Finnerty should be kept five or six weeks from air and exercise, at the discretion of the gaoler. He had a letter from Mr. Finnerty, however, purporting that the turnkey had made the offer to him for a bribe, and on his refusal had told this story in order to be beforehand with him. Then there was no answer given as to the stench in Mr. Finnerty's cell. The honourable gentleman (Mr. Chaplin) had said, there was no stench when he was there. That might well be, for it often happened that the prevalence of stench in any particular place depended on the direction of the wind. He hoped the prayer of the Petition would be complied with;

but it was clear a gaoler ought not to have the power of increasing or mitigating a sentence of a Court of Justice at his discretion.

Mr. Chaplin defended the conduct of the gaoler, who had given Mr. Finnerty the liberty of walking in his garden, and shewed a disposition to grant him every indulgence consistent with his situation, till his own improper conduct rendered a closer confinement necessary. As a proof that no political motive influenced the gaoler, he had only to advert to the satisfaction expressed by Mr. Drakard at the manner in which he had been treated.

Mr. Brougham said that no answer had been given to the charge of solitary confinement. He knew that Mr. Drakard had been well treated; but this only placed in a stronger light the injustice done to Mr. Finnerty. The sentences were the same, and why should the punishment be different? If the gaoler had thirteen rooms in his house, Mr. Finnerty ought not to be confined in a felon's cell.

Mr. Chaplin said, it was not a felon's cell—but designed for those confined for misdemeanours.

Mr. Ryder utterly denied the charge of solitary confinement, which was not even alledged in Mr. F.'s petition. As to the gaoler having thirteen rooms in his house, they took that from Mr. Finnerty's petition. But supposing it to be so, the gaoler's house was his freehold, and he was not bound to give up any part of it to the prisoners. It ought to be recollected that he gave a large security to the Sheriff for the safe custody of his prisoners. He had been making all the inquiry he could, and the result was a conviction that for some parts of the complaint of Mr. Finnerty there was not the slightest ground, and that the rest had been excessively exaggerated. The apartment assigned to him was twenty-two feet by eleven, and sixteen feet high, and raised above a yard of some extent, of which Mr. F. had almost the exclusive use. But if there was stench, or any other real grievance in the case, steps had been taken to remove it.

Mr. Brougham said, that facts had been stated which amounted to solitary confinement, though these words were not used.

The petition was then laid on the table.

MILITARY FLOGGING.

Mr. Manners Sutton, adverting to a statement of Sir F. Burdett relative to a soldier that had cut his throat in the Isle of Wight, mentioned that the man's name was Avery; that he had entered, received the bounty, and immediately after endeavoured to desert, and when taken, had attempted to cut his throat before he knew any thing of the sentence of the Court Martial. The man made no defence, but threw himself on the mercy of the Court. If flogging was to be allowed at all, it was in such instances as this. These facts, indeed, did not alter the honourable Baronet's principle, but it was fit they should be known.

Mr. Whitbread said, that no flogging could have done this man good; he mentioned having received a letter from an Officer in a situation where flogging must be necessary, if any where, and this letter stated, that with them the cat-o'-nine-tails was rotten, and if there was a triangle, it was in the garret, and never seen.

Mr. Brougham contended, that flogging was not necessary in the army.

Sir Charles Burrell said, that the punishment must be flogging or death. It could not be solitary confinement, for after receiving their pay, he knew that in some militia regiments, at least, there was a good deal of drinking, and it would be necessary to have every house in a village converted into a black hole for the delinquents.

[Here the Speaker interrupted the honourable Baronet, as there was no question before the House.]

DOCTRINE OF ASSASSINATION.

Mr. Whitbread rose to say a few words for the purpose of enabling the right honourable gentleman opposite (Perceval), or any other Member of the Government, to make the disavowal which had been made in another place by the Marquis Wellesley, he believed, with regard to a subject in which our own Royal Family, as well as all other rulers, and, indeed, all mankind, were intimately concerned—he alluded to the horrible doctrine of assassination which had been preached up by a part of the press; a doctrine which no conceivable circumstances could justify, and of which the consequences might be dreadful; a doctrine leading to the destruction of the innocent and meritorious, as well as to the ruin of him who was not innocent or meritorious, but of

whom we ought not to be the judges. It could not be expected that he should argue with those who held such doctrines; but when they cited the example of antiquity in their favour, it would perhaps be in vain to point out to them that a certain event took place since, which ought to have produced different notions on that subject—that the Christian æra had commenced—that they had subsequently been told that the time was come when it was no longer "eye for eye, and tooth for tooth." He might call upon them to show any instance in which good had been done by assassination—to point out the beneficial result when the crime or the deed, as they would call it, had been perpetrated. After the assassination of Cæsar, had the liberties of Rome been restored?—Had the assassin's knife always been directed against the guilty?—In the long catalogue of such horrid deeds to be found in the history of mankind, had not the innocent and meritorious fallen oftener than the criminal? Henry the IVth of France had been assassinated: there had been an attempt to assassinate Lewis the XVth of France; an attempt had been made to assassinate the great Prince of Orange; and in the course of the reign of the existing Monarch of this country two attempts had been made to assassinate him. Only a few years ago the King of Sweden and the Emperor Paul of Russia had been assassinated. Let them look at these things, and then see whether it was prudent to preach up this doctrine, to say that every man was to be the judge of who ought to be assassinated. When persons in this country advised the Spaniards to assassinate Buonaparté, and it was a disgrace to the country that any one should even imagine it to be for his interest to throw out such an idea to the public, let them recollect the expedition to Copenhagen, which some defended on the ground of good policy, and others on that of absolute necessity, and consider what might be the opinion of a Zealander respecting the deserts of the advisers of that measure which he considered as one of the most atrocious in history. Buonaparté had, indeed, attacked Spain while at peace with him, and unprepared for resistance—and had not we acted in the same manner with regard to Zealand? Let them think of our deeds in India while the Marquis Wellesley, now Secretary of State, was Governor General. However despotic the Indian princes, they might have some personal friends; and if they were to be the judges of who deserved to be assassinated; if the friends of the Nabob of Oude—

of the Carnatic—of Tippoo Sultaun, were to decide would they not say that the dagger ought to be aimed at the breasts of those who had effected the subjugation of their Sovereigns? Papers were printed here in the French language, with the connivance, if not approbation, of the Government, for the purpose of being circulated on the Continent; and what would those think by whom these papers were read? Buonaparté had held out that the English Government encouraged attempts against his life; that it had landed men on the coast of France with this view, and that it was at the bottom of the projected assassination by the infernal machine; and, however unfounded these charges were, yet what a confirmation would his assertion receive from the reading of these papers? Suppose him to be as black as the blackest portrait which they drew of him, let them look at the consequences of such a principle if acted upon. Was Buonaparté a man likely to sit quiet and endure all this without an attempt at retaliation? The very prints which now preached up this doctrine had declared that a person had been sent to this country by Buonaparté to assassinate the King, and even mentioned the person, one Beauvais. With the belief that Buonaparté was capable of such conduct, when he suspected the Government of this country of encouraging attempts at his life by assassination, were they justified in giving colour to such suspicions, and exposing the Royal Family to retaliation? They believed, they said, that Buonaparté had a band ready even for such purposes—and what then was to be thought of their conduct? Those papers which might be called independent, and even those that were under the control of the Treasury, had openly deprecated this doctrine. Marquis Wellesley had disavowed it—and he was unwilling that the House should adjourn without a similar disavowal in that House. What a disbelief in a superintending Providence did the promulgation of such doctrines imply! If Providence had, for wise purposes of its own no doubt, created this man, such as he was—if it had given him so many hair-breadth escapes, both in and out of the field of battle, did they think that by their short-sighted plans they could alter its decrees? Did they imagine that their puny efforts were to fix the destiny of empires? If he who could oppose all shields to all attacks had some object to accomplish through the instrumentality of this man, he would still be preserved—and it was vain to expect that

good should result from any illegitimate attempts at his destruction. But the doctrine itself was so horrible—he might say so damnable—and its consequences so dreadful, that he found it impossible not to call for a distinct disavowal. If it had been acted upon for these last twenty years, every Sovereign in Europe would have been assassinated. The doctrine would have justified the assassination of Louis XIV. of France, and indeed of every man that ever wielded a sceptre. To clear the Government from all suspicion of participation in such abominable principles, he trusted he should hear a full and frank disavowal.

Mr. Perceval said, that if the honourable gentleman thought it necessary for the Government to disavow such principles as those, he thanked him for affording the opportunity of disclaiming them. But he should rather think that it never could have been imagined for a moment that the British Government gave the slightest countenance to the doctrine of assassination. He had not the smallest hesitation in declaring, that he could conceive no circumstances in which assassination could be justified, and they who resorted to it would find that they were not advancing their objects or interests one step by such means. Whoever established so infernal a system would involve the world in a calamity far worse than any from which it could in this way be relieved. He agreed with the honourable gentleman, that when events were decreed by Providence, no attempts of short-sighted mortals could alter their destined course—but when a sentiment of that kind was introduced, care ought to be taken that it should not be misunderstood. They were not to look at the actions of this Buonaparté as if he had been raised by Providence to effect whatever he himself chose, and that it was therefore useless to resist him. This would be a most mischievous impression. Nay, even if we knew that it was the design of Providence, that this man should be successful in all his views of subjugation, still it would be our duty to defend ourselves, and to fall in resistance. *(Hear! hear!)* That all was directed by the finger of Providence, was a doctrine true in itself, but most dangerous when misapplied. There were events that called forth human virtues, and human actions, and it was possible that the virtuous might receive their reward, even in failure. If we saw any thing in the once irresistible career of this man which appeared to mark the finger of Providence beyond the ordinary occurrences of life, we

might reasonably conclude that this state of things must soon come to an end, and that it was not a condition in which a superintending Providence intended the world to labour for any long time; and we, perhaps, might be the chosen instruments to bring good out of this evil. But before he was considered as irresistible, see what we had done to resist him. If his success had been extraordinary, our resistance had been no less so; and if Buonaparté should succeed in conquering on land, we, in all probability, would retain the empire of the sea, and show that even with his vast extent of dominion, he would still be confined. He did not, however, imagine that the honourable gentleman intended to adopt a system of fatalism, or to say that designs were not to be resisted because entertained, and carried into execution, not by Providence, but by the Ruler of France. He was satisfied the honourable gentleman meant, that where resistance appeared proper it ought to be made, for Providence wrought by means. As to the doctrine of assassination, he again declared his disavowal and utter abhorrence of such abominable principles.

Mr. Whitbread was glad that the right honourable gentleman had given so full and frank a disavowal, and thanked him for the justice he had done him in not affixing a sense to his words which he thought no human being could have supposed they intended to convey. He was no fatalist, nor did he say that Buonaparté was irresistible; and he must have been a fool if he had said so, since he was now more resisted than he had been at any time since the commencement of the war. He knew that Providence wrought by means—that these events called forth human virtues and actions—and that, whatever might be the result, it was our duty to God and man to resist the oppressors of mankind—and yet all was in the hands of Providence: no one could gain a step by illegitimate means. He remembered the great rejoicing at the death of the Emperor Paul, because his successor, it was supposed, would turn his power against France; but what was the result? In the course of a few years, after a coalition the most foolish that ever had been formed, his successor became the ally of Buonaparté, who now held him out to be one of his firmest friends. Providence certainly wrought by human exertions —as well by the crimes and ability of Buonaparté, as by the blunders and folly of this country. But he was happy

that the abominable doctrines which had called him up on this occasion, had been so openly disavowed.

INSOLVENT DEBTORS BILL.

A message was received from the Lords, desiring a conference with the Commons, on the subject of this Bill.

A Committee was accordingly appointed to manage the conference on the part of the Commons, who having retired, on their return—

Mr. Secretary Ryder read the resolution of the Lords, in which they express their regret, that, with all their wish to preserve the good understanding so necessary between the two Houses, they cannot agree to the clause introduced by the Commons, extending the provisions of the Bill to the Isle of Man.

Mr. Horner then moved, that the House do dispense with this clause. He stated, that at the conference, the chief reason urged by the Lords, for refusing to comply with this clause, extending the provisions of the Bill to the Isle of Man, was the ignorance of the House as to the law which existed in that island. He was by no means satisfied with this reason; but, at the same time, when he could not get all he wished, he was satisfied with taking all he could get. He was unwilling to deprive the numberless persons in this country, who were looking forward with solicitude to the passing of this Bill, of all the advantages to be derived from it, merely because those advantages could not be extended to others. He should, therefore, move that the House do dispense with this clause in the Bill.

Mr. Perceval concurred in this opinion. It might be too much to hold, because the sums as to which this Bill gave relief were not too large in England, that, therefore, they were equally applicable in the Isle of Man. It would be competent to his honourable and learned friend opposite, if so inclined, to bring forward a Bill applicable to the Isle of Man, in the course of the next Session, if the inquiries which he might be enabled to make in the mean time should satisfy him, that such a measure was proper and necessary.

The clause was then dispensed with, and the Bill, with the omission of this clause, was ordered to be carried to the Lords by Mr. Horner.——Adjourned.

HOUSE OF LORDS.

TUESDAY, JULY 2.

BERKELEY PEERAGE.

The Resolution of the Committee of Privileges relative to the Berkeley Peerage, that the Claimant had not made good his claim, was taken into consideration, and, on the motion of the Lord Chancellor, agreed to *nemine dissentiente*.

The Lord Chancellor then moved that this Resolution be communicated to the Prince Regent, and stated his anxiety that the House should not declare any opinion which could tend to prejudice any person in this case. It would, however, he conceived, be thought, by the House, that some step should be taken, and, with this view, he had drawn up with great caution a Motion for an Address to the Prince Regent, laying before him a copy of the evidence, and requesting his Royal Highness to take such measures, in the name and on behalf of his Majesty, as he might deem fit.

Earl Grey was not disposed to object to the motion, if any motion were considered necessary, and if the Law Officers of the Crown could not be referred to upon the subject without it.—He, however, thought that "requesting" his Royal Highness to take measures, was expressing an opinion that some measures were necessary, and although from the character of the case that opinion might be entertained, still he thought it would be better to avoid its expression, and to substitute the words, "in order that his Royal Highness may be enabled to take such measures," &c. or some similar expression.

The Earl of Liverpool concurred with Earl Grey in the sentiment that it would be advisable for the House to avoid expressing an opinion as to whether any measure was necessary.

The Lord Chancellor also concurred, and substituted the words, "in order that his Royal Highness may be enabled to take such measures as he may deem fit."

The Motion, thus altered, was agreed to, as well as the communication to his Royal Highness, of the Resolution of the House, that the Claimant had not made good his claim, and the Address was ordered to be presented to his Royal Highness, by the Lords with White Staves.

DELAYS IN APPEAL CAUSES.

The Earl of Suffolk rose to make two motions on this subject; previous to which he adverted to what he had said before on the subject, and defended most of the observations he then made respecting Greenwich Hospital. He would never submit to be charged with mockery and mummery, for shewing the enormity of a Proctor's bill. He had been told that it was not the clerk's business to assist him in unrolling that long bill; but he considered the clerk as the servant of their Lordships generally, and not solely of the noble and learned Lord on the woolsack. The noble Earl went through a variety of particulars respecting the general subject, and appealed to a memorial sent eleven years ago, by Sir Alexander Cochrane, complaining of the practice of employing one sole Proctor in causes, and frequently in appeals. The appeals in that House, in 1810, were two hundred and nine, and only four judgments were given. This was contrary to those true principles of the Constitution he had learned, and hoped to hand down. It was contrary to the provisions of Magna Charta. He then moved for sundry accounts of Prize-Money, paid and due; and another motion for the number of Appeals at the beginning of the present Session, with the number of judgments thereon, and the number of those withdrawn, distinguishing in such as came from England, Scotland, or Ireland. He expressed his intention of following up those motions, if agreed to, in the next Session.

The motions were then put, and carried *nem. dis.*

GUINEAS AND BANK NOTES.

On the order for the second reading of the Bill,

Earl Stanhope rose. He was happy to see several Lords present who were not there on the two former occasions, as it gave him the opportunity of explaining his objects and views to them. He would first state what his Bill was not, though it had been supposed to be so, namely, to make bank-notes a general legal tender. To such a Bill as that, the fairest objection was, that people could not have sufficient evidence that a bank-note was not a forged one. This Bill was not liable to such an objection. Now, then, for what this Bill actually was. First, it was, simply, that nobody should give more than twenty-one shillings for a guinea; nor receive less for a Bank of England note than

the value which it purported to bear. This motion owed its origin to a Bill coming up to that House, called the Bank Token Scarcity Bill, which contained penalties on the counterfeiting such tokens. It was a Bill to facilitate the introduction of a new circulating medium. He had deemed it his duty to point out the necessity of making a legal tender by law which all might obtain. If a man bought an estate for 100,000*l.* and the day for settling every thing was fixed, and then the vender told him that he expected his money in guineas, would not the buyer think himself unjustly dealt by—not on the matter of calculation, but on the physical impossibility of getting the guineas? All he had to say was, that if, without great inconvenience, and with considerable benefit, another species of circulating medium could be introduced, it was desirable to do so. It must be a strangely composed mind that could think otherwise. He wished to go into the discussion of the subject fairly. He would endeavour to justify the foundation of his principles before he attempted to recommend the superstructure he should build upon them. Here he should repeat what he had said before. In that good fortune he had, of knowing many great men, there was none of better heart and better sense than Sir George Saville; and he thought his definition of a circulating medium the most philosophical and sensible that he had heard. Any circulating medium, said he, is only a measure of different things; and he put the illustration quaintly and justly. Ten pounds in gold were worth so many loaves, so many opera tickets, or so many miles riding in a hackney-coach. The metal was only a a scale of measures of those values. His Lordship illustrated opinions by a reference to various received standards of measurement. It did not follow, that because gold was unchangeable, nothing else could answer the purpose. The Hamburgh Mark Banco payment had that useful quality without money. There was, he would contend, a great superiority in book-entries over any thing that had intrinsic value, if they were under proper regulations. Suppose a State established the system of book-entry, and that no man could make an entry without possessing a corresponding value. A clothier, for instance, at Leeds, provides a certain quantity of cloth; it would entitle him to the entry of a certain sum in the book of the State. If he could readily transfer that to any other place, it would be, for him, a better circulating medium than money. If paid in money

at Leeds, he might be interrupted, or might lose it in his way to Lewes: but that would be impossible on the system he recommended. The rapidity of such transfers was also obvious, and they would be much less expensive, and would not suffer by wear and tear, like gold. Look, also, at the consideration of the annual interest. If the State opened a Banco-entry system, it could provide twenty millions with ease of circulating medium; but by coining, it would lose one million. If it were a principle that the medium should be invariable, there was an immense superiority over gold and silver, which were constantly changing their value; and which, when the course of exchange was against us, left us in a great degree, and rose in price. Book-entries were not liable to the effects of taste, caprice, and course of exchange. Must not such a standard be preferable? Such were the principles of his proposition; and whether their Lordships liked them or not, he thought they must find their logic hard pushed to refute them. He felt himself under many difficulties, because matters of this sort belonged more particularly to the Government; and when an individual like himself (unconnected with those in power, or those likely to be in power, except so far as he oftener agreed with one than the other,) proposed any strong change, he could not hope to be very vehemently supported. It was therefore better to take as much as he could of what existed, and adapt it to his views of improvement. There was at present so little of principle or of consistency in the system, that it was the greatest difficulty to attempt any thing bordering on perfection. The law was quite contradictory; it authorised payments in gold, and yet it stopped the Bank from making them. He did not want to be ludicrous; but the system reminded him of the checks given at the public places, to receive other checks in return. You might get notes for notes, but could never get your money. He could not be blamed for not proposing something perfect. No such thing: it was like the case of the tailor making a coat for a *humpy*! (*a laugh.*) He could not make the coat of a handsome shape, according to his own liking: no, he was obliged to accommodate the shape of the man, who was disfigured with the hump! He must fit the animal! (*laughing*). He would next state his superstructure. In his letter to the noble and learned Lord on the Woolsack, he had said that the want of gold prevented bankers from paying it, so that there were no means of

making a legal tender in coin: and that his grand object was to devise a mode of making payments which might enable Parliament to establish a new species of legal tender. When he spoke of the Bank of England, he pre-supposed always that it was solvent. A great mathematician had written to him on this subject, and gave it as his opinion, that it was insolvent. He thought, however, that the Bank ought fully to explain its actual situation to Government and Parliament. In his argument, he presumed the solvency, and the limitation of their issue of notes within a certain extent. First, he would propose, that (as in the case of Scotland,) the Bank of England should have many branches in England established in proper places. He availed himself of the Bank of England, because he found it ready before him. Secondly, that books of entry should be prepared, and kept at each of those places. Thirdly, that persons holding notes of the Bank of England, should be entitled to an equal credit on those books. Fourthly, that every such person should be entitled to transfer such sums to any other place where such books were kept, either on his own account, or on that of other persons. Fifthly, that as such entries were not liable to forgery, they should be made a legal tender. When he heard that a noble person of landed property had given notice to his tenants, that he would receive his rents only in gold (or Portugal gold), or Bank-notes to be taken at a certain calculation, he knew nothing particular of the reason of the proceeding; but he knew that if that measure was followed by others, it would be productive of infinite mischief: and, therefore, he did not lose an hour in bringing the subject before the House. This Bill he had brought in to prevent that mischief. His reasons were various. First, he wished, on general principles, for a new medium. Secondly, that it should be established by the mode of Bank-entries and transfers. Thirdly, not to disturb too much what had already existed, therefore making use of the Bank of England. The foundation was this: that Bank-notes of twenty shillings and pounds sterling should be on a par. He would maintain that they are so now. If he spoke of a piece of gold (bullion), then he admitted it could not be at par with Bank-notes: but if he thought the notion of gold being the standard necessarily, was fallacious and ridiculous, then he would say that the pound sterling and twenty shilling Bank-note were on a level. If he went to a banker's with twenty-

one in notes, and twenty guineas, and desired to make two book-entries, two accounts would be opened, each for an equal sum. The pound sterling, therefore, was on a level with the Bank-note. Those who denied this, must quarrel with his definition. What he particularly desired was, for five or six months, to maintain that equality. He proposed no new or violent schemes, but left the subject to the good sense which felt, especially about the metropolis, the importance of considering the note and the pound sterling at par. It was their Lordships' duty not to introduce any thing which might create uneasiness and a sense of injustice and oppression among those from whom they received their rents, and from whose labour they derived all their comforts: he meant that valuable class of men, the farmers. It was on that feeling he acted on several cases; such as that, for instance, of the dissenters lately, or any class who felt or apprehended abuse. His Bill removed dangerous temptations, and made the pound and note in his sense, or left them, on a par. This Bill had been commended greatly by those who seldom approved of any motion of his. He was happy at this; but they went even farther, and said it was the very best remedy they had heard, but not yet necessary, as nobody would be found to follow the example of his noble friend (Lord *King*). He (Earl S.) liked rather to give to people the protection of the law, than any understanding or caprice of other men, which was not a firm foundation. As the Secretary of State shewed no disinclination, if any necessity appeared, the question turned merely on the probability of the example set being followed. He had a bundle of instances of this sort, and he only wished that a great many more would say so at once, and then they would proceed to prevent the evil. (Here the noble Earl produced a number of letters, from several of which he read extracts.) One person wrote that his landlord said, "What one landlord can do, all can do. If Lord King succeeds, I will do the same:" and then proceeded, without a fee, to ask his (Earl S's.) opinion. Another letter stated a recent transaction in Hampshire, where a man bought an estate for 400*l.* and paid down 100*l.* of the money, and afterwards fitted up a house and other buildings at the expence of several hundred pounds more. Some time afterwards came the time of payment, when the vender desired to have his money in specie. The buyer could not get guineas, and notes were

refused by the vender, who would have his payment in guineas, or his land back again. The buyer was actually trying to raise money by mortgage on his improvements. The only consolation left to the buyer was an intimation from a friend of the vender's that he could inform him where he might obtain the guineas he wanted, by paying twenty-seven shillings a-piece for them! (*Hear! hear! from both sides.*) Some might smile, and some shake their heads at this; the whole country might well shake their heads at it. His Lordship read another letter which stated the conduct, not of a landlord, but of a lady. He did not know whether the noble Lord near him (King) had followed the Lady, or the Lady had followed the Lord (*A laugh*): but the Lady had refused to take any thing but gold; and had asked a person interested, whether he was acquainted with the difference between taking Bank-notes and taking gold. This person, in writing to him, stated an apprehension of the seizure of goods, and a readiness to come and prove the statemeat made in the letter. Another person, a professional man, had written to him, saying that he had witnessed much of the traffic, and apprehended from it most serious consequences. He stated, that he had been long in the habit of paying and receiving many small sums. A few days ago a gentleman had come to him from another part of the country, and paid him 800*l.* observing that he had brought with him 300 guineas, with which, or part of it, the other wished him to oblige him in payment; but he would not part with any of them, saying that he knew a friend, who will give him six or seven and twenty shillings each for his guineas. This increasing traffic, added the writer, occasioned the great stagnation of gold circulation. Besides other accounts, the noble Earl adverted to what he had heard respecting practices in Ireland, which had already been alluded to by a noble Lord (Earl of Lauderdale). He mentioned the profitable trick of a landholder's steward, in contriving, by the use of merely one hundred guineas, to procure the payment of a large rent, by compelling the tenants to purchase them, while they were moving in constant rotation from the shop were they where sold, to the agent's office where they were received. In addition to this, he could mention, that no less a sum than thirty-eight thousand guineas were landed in Dunkirk lately, from this country, out of one cutter. (*Hear!*) He had even heard that a clergyman, a friend of a noble

Lord behind him (he did not know whether the noble Lord intended to give him a living or not), had said that every landlord in England ought to do the same as those whom he had been speaking of. From these statements of facts, communicated to him by respectable correspondents, and read from a mass of communications, he thought that the objection taken to his Bill by the noble Secretary of State, on the ground of there being no existing necessity for it, could not be supported. Those who objected, merely from the necessity not being apparent, must see from these communications, that the necessity might very speedily arise, and that too, when Parliament would not be sitting. All those who agreed with him in the general principles of his reasoning, and the ground-work of his propositions, ought to assent to the enactment of the measure he proposed. He was confident, that, under all our circumstances, the system of book-entries was the most practicable mode; and it had also the recommendation of the Secretary of State himself, as the best remedy that had been offered. He was sorry for having troubled their Lordships at such length, but the importance of the subject made him feel it his duty to do so; and the more so, because many noble friends were present, who took different views of the subject. The matter was for Ministers to consider in good time. It was their particular business to attend to it. He should only say one word more to the Secretary of State. Let him take care not to imitate the lazy fireman, who suffered all the houses in the street to be burnt down through his dilatoriness; and when the mischief was done, appeared in the street with his engine. The Noble Earl concluded by moving the second reading of the Bill.

Lord King said, he naturally felt very anxious to avail himself of the first opportunity which presented itself, to explain the motives upon which he had acted, on the transaction which had been alluded to by the noble Lord. It would be necessary for him to speak more fully of his private motives than it would be becoming an individual under other circumstances, as there had been an endeavour to stir up a sort of a public clamour against him, for the conduct he had pursued. After stating his private motives, he should then state his opinion on public grounds, of the alarming prospect which is held out to this country, by the intention that is now avowed, of altering and changing the standard of our money and the fundamental principles of

our currency. He would maintain that his conduct had been strictly conformable to all the principles of justice and equity, as well as to the law of the land. He had thought it a duty he owed to himself to make a stand now in defence of his property from that constantly progressive depreciation of the currency which proceeded from the conduct of the Bank of England, and their being protected by the Legislature from the necessity of paying their notes in specie. After the full discussion which this subject received in another place, and when it was known that Government did not mean to make any change in the Bank Restriction Act, but that they meant to continue it as long as the present war should continue, it became necessary for individuals to consider, whether they would continue to take, as satisfaction of old contracts, whatever sort of currency the Governor and Company of the Bank of England might, in their discretion, think proper to circulate. It had been asked, in a manner that was rather insulting, had any body *ventured* to refuse bank-notes in payment? He now was the person who did think it advisable, in certain cases, to refuse bank-notes. The cases in which he refused to take bank-notes at their nominal value, were old contracts, and no other; and in having so done, he would contend that he had not only acted legally (for about the law there could be no question), but that he had acted agreeably to every principle of equity and substantial justice. Could there be any rule more equitable than that which he had laid down, that the payment should be made in currency of the same value as that in which the bargain was made? He did not think that any principle could be more just or equitable. He had endeavoured to ascertain what that value was, from comparing the price of gold at the time that the contract was made, and its present price; and what he had asked was, either to be paid in lawful money of the realm, according to the contract, or else in Portugal gold coin at the weight; or, if notes were offered, such a sum in notes as would buy a quantity of gold equal to the weight of that legal money which the tenant had covenanted to pay him. (His Lordship then read the notice which he had given to his tenants, and which has been already published.) He could not see where was the hardship or oppression in this, or any grievance of which the tenants could justly complain. It was well known, that corn, cattle, and all the productions of the land, rose re-

gularly in price according to the depreciation of the currency, and therefore the tenants under old contracts could not complain of suffering any loss from it. The contract which the tenant entered into, was, that he would pay so much in good and lawful money of the realm. Now if, for the sake of the argument, we were to suppose that the depreciation should go so far as that the bank-note should only be worth one shilling, were the landlords to be obliged to take that note so depreciated as a pound sterling in the payment of their rents, when it was notorious that on account of this depreciation the tenants would charge considerably more for every thing the land produced? To prevent misrepresentation, he declared, that so far from making a bargain on the basis of a depreciated currency, and then turning short on those with whom he had bargained and demanding lawful money, he had abstained from issuing the notice upon any contract that had not been made at least two or three years ago. The rule that he wished to lay down was, that he should be paid in currency of the same value, neither more nor less, that he had the contract in. In order to explain the nature of the subject, he would suppose that what was usually reserved for rent was about a fourth of the gross produce of the land; it was, however, found to be most convenient for all parties, that this fourth, or whatever the proportion was, should be estimated at a money price. Now, if this was the real state of the case, he would ask whether it was fair and equitable that the tenant should take advanage of all the rises of price, in consequence of the depreciation upon the shares that he has; but that the landlord should upon his share neither have rise of price nor the legal money for which he bargained; but, on the contrary, be paid year after year in a currency perpetually depreciating? He therefore thought it most equitable and just, that all persons possessed of old contracts should claim satisfaction of those contracts not in a very depreciated currency, but in a currency equal to that which was in the contemplation of the parties at the time that the contract was made. It had been said by many, that bank-notes were not depreciated, but that gold had risen in value. This he denied: gold, so far from getting dearer, is getting cheaper than at any former time, if it be compared with any thing but bad bank-notes. At present, if a man has corn, cattle, iron, timber, or any article of real value to exchange against gold, or if he exchanges labour against it, the same quantity of those things will purchase a greater

quantity of gold than at any former period. He then stated, that from 1786 to 1797, the average price of wheat was 52*s*. per quarter; whereas it has of late years been from 70*s*. to 80*s*. per quarter. In fact, twelve or fourteen quarters of wheat would now buy as much gold as eighteen would do in the former period. So that it was evident that the former, instead of losing, gained considerably by the change of times. He had understood that it had been stated in debate, that there was no instance of this demand of payment in guineas, except in some parts of the North of Ireland. He knew, however, of a contract made not long ago in this City, where a person, to secure the payment of the sum of 5000*l*. in real money, contracted that he was to be paid an equal weight of gold to the bullion he had advanced. He understood that a practice had lately been prevalent in granting leases, if a longer term was wanted, the conditions often were, that for the next five years, the rent should be according to the average price of corn for the last five years. This was also a fair principle, and intended to guard against the ruinous consequences of depreciation. If this conduct was unobjectionable in other men, he could not understand the meaning of the clamour which was endeavoured to be excited against him; and, regardless of that clamour, he was determined to persevere in what he conceived to be not only legal, but just and equitable. If the Legislature thought that they could force a depreciated currency to maintain its nominal value, they might look at the example of France, and tremble at the experiment. In the bad times of France, those who preferred good mechanic money to the worthless assignats then circulated by Government, were denounced as disaffected persons. He was very sorry, however, to hear it stated, that a Secretary of State in this country, and in that House (Lord Liverpool), had expressed similar opinions of those who refused to take bank-notes at their nominal value. That noble Secretary had appeared to conceive that the acceptance of such paper as the Bank of England might choose to circulate, was a moral as well as political duty. If bank-notes, however, were really of the value they purported to be, their credit could not be affected by any opinion which he individually might entertain, or by any conduct which he might think it proper to pursue in his private capacity. He conceived that, as far as any private motives were concerned, he had made out a case which

was not only unquestionable at law, but which would be unanswerable in any court of equity. He therefore expected, that he would have the support of the noble and learned Lord, (the Lord Chancellor) who, from his office, must be peculiarly anxious for the fair performance of contract; and as to other noble Lords, he hoped that they would not give way to empty declamations about black malignity of motive. He would now ask, by what rule, or upon what principle was it that a man was called upon to answer in that House for his private conduct in the management of his estate? If he had done nothing but what the law allowed him to do, why was his conduct to be publicly discussed? and if he had done any thing contrary to the laws, those laws would protect the meanest subject in this country from illegal oppression. Those observations he made rather on behalf of the Members who might think and act like him, but who had a seat in Parliament, than for himself, who had always the opportunity of vindicating his conduct from any attack that could be made in that place. He should now state the views he had of this subject on public grounds. In the year 1797, the Legislature, considering all the circumstances of the case attending the Bank restriction, passed a law to protect persons from arrest who should tender bank-notes in satisfaction of a debt. At the time, however, when this Act was passed, there really was no depreciation, and therefore the law imposed no hardship upon any body. If a creditor insisted upon gold, the debtor could buy it with bank-notes, without any loss; or he could buy bullion, and get it coined. The Legislature never at that time contemplated a depreciation in the currency, which was the present situation. When bank-notes and gold were really of equal value, as they were at the time of passing that Act, nobody would refuse bank-notes at the value they imported to be; but the case was now widely different. A depreciation had actually taken place, and he believed that legislative interference would not stop it. When gold was from 3*l.* 18*s.* to 4*l.* 2*s.* per oz. no depreciation was felt, and bank-notes could be readily exchanged for guineas; but when the price of gold came to 4*l.* 18*s.* per oz. the value of the bank-note was but 16*s.* 11*d.*; and when it increased to 4*l.* 14*s.* its present price, the value of the 1*l.* note was really no more than 16*s.* 7*d.* It was then to be considered, that gentlemen now paid upon their

incomes, not only the income-tax, of 2*s.* in the pound, (which was the heaviest tax that had been ever imposed, but still which he acknowledged to be necessary), but in addition to this there was more than a double income tax taken out of the pockets of the people, not for the advantage of the state, but for the private advantage of the Company of the Bank of England. If this Company was not satisfied with their former profits, he would much rather vote them an additional sum of six or seven hundred thousand annually, if they would but leave the currency of the country at its old level. The amount of the expences of the country for the present year would be near ninety millions in notes, or about seventy-four millions in money. It therefore appeared that, in this instance, the country lost sixteen millions a year on account of the depreciation of the currency which had been produced by the operations of the Bank. He doubted much whether the country could long support such a loss—the only thing it gained by the depreciation, was the power of paying the public creditor his interest money in a depreciated currency. As to the contending that bank-notes were not depreciated, he thought it was idle to endeavour to support such a proposition, when it was notorious that all manner of commodities were growing dearer. Gold, therefore, was growing cheaper instead of dearer, as the rise of price shewed that a certain quantity of commodities would bring more gold than formerly. This rise of prices in commodities, or the fall of prices in the value of the precious metals, had taken place almost all over the world. In France, since the Revolution, the rise of prices was about one-fifth. This was nearly the same case all over the world. The quantities of silver now returning from China, shewed that even there silver has latterly grown comparatively cheap. A good deal had been said about the corn which we imported from France, and which we must pay for either in gold or silver. Formerly the bullion went from Spain to France, either directly by way of tribute or in commerce. At present none goes from Spain in the shape of tribute, and it has found its way there in easier channels, as the purchase of corn for the use of this country. But the very circumstance of the gold finding its way through so many obstacles from this country to France, proved that gold must be dearer in France than it is in this country. It was therefore in vain to talk of gold

having greatly increased in price in this country. He conceived, that nothing could be more alarming, than the project of making bank-notes a legal tender. This would, in their present state of depreciation, be a subversion of the spirit and meaning of all contracts. It would be forcing a currency, which should circulate not from its intrinsic value, but from force and compulsion. The bank-notes would then, in principle, be nothing better than the French assignats, and perhaps they might fall with almost equal rapidity. A practice was now prevalent of lending bank-notes upon exchequer-bills, or purchasing those exchequer-bills to a large amount by bank-notes. This was, as he believed, directly contrary to the law. If the bank-notes were to be made a legal tender, the effect of it would be to extend to every individual in the community that fraud which was now reserved exclusively for the public creditor, as no other creditor could be compelled to take bank-notes in payment if he did not choose it. He would now appeal to the humane protection of the House in behalf of the numerous distressed and helpless annuitants, those who had old contracts, those who lived upon the small means which were acquired by their former industry, and which they had calculated to be sufficient for their old age, and also for the numerous class of infirm labourers. He knew that labourers in perfect health could at any time bring their labour to the market, and receive a fair price for it; but then there were a number of others employed more through charity than from the real value of their labour. The dearness produced by the progressive depreciation of the currency was most severely felt by all those classes of people whom he had mentioned. We have the authority of Mr. Pitt for saying that it never was intended at the time of passing the Restriction Act to make the bank-note a legal tender. In a case which was reported in *Pullen* and *Bosanquet*, Mr. Justice Heath said "that the courts of law had nothing to do with the convenience or inconvenience arising out of the law, but that he thought that the Legislature had acted wisely in not following the example of France in making the bank-note a legal tender." In fact, neither the severity nor the unceasing vigilance of the French Government, or their agents, could prevent the fall of the assignats. In Austria the whole authority of the Government was put forward to support the paper money; and yet the depreciation is now such, that another order

has been issued, declaring that five florins in paper may be paid by one florin in money. The depreciation of the assignat was such, that although the louis d'or is properly twenty-four livres, it represented 1200 in assignats. The French Legislature was, however, aware of the injustice of requiring contracts in livres to be kept during those fluctuations in gold; at they passed a law for regulating what was to be paid upon contracts, by the comparative value of gold and assignats at the time that the contract was made. This principle was a just one, and absolutely necessary to be laid down in those times. He hoped, however, that with the example of France and Austria before their eyes, the Legislature of this country would not endeavour to maintain by force a paper currency at a higher rate than its real value. He had always resisted the continuance of the Restriction Act, and therefore he was not now inconsistent with his former conduct. As to the Bill of the noble Lord, he appeared to wish to assimilate his bank of credit to a bank of deposit. If bullion was to be deposited in the Bank to represent the notes they issued, he had no objection to the plan; but then the Bank would have no profit. There was a plan formerly which somewhat resembled it; of establishing what was to be called a landed debt, which would convert the whole landed property of England into a circulating medium. After a variety of observations on the danger of overturning the foundations of the legal currency of the country, he concluded by moving that the Bill be rejected.

Earl Bathurst rose, to express his conviction that the intentions of the noble Lord (King), if carried into effect, would prove not only injurious to his own tenants, but pernicious to the country at large. But while this was his opinion, he did not mean, by so expressing it, to bring any personal charge against that noble Lord, as to arraign the motives by which he was influenced. It now turned out from what had fallen from his Lordship, that the leases alluded to were granted, some of them in 1801, and others so late as 1807. At those two periods, the restriction on payments in cash at the Bank was in full force; the system to which the noble Lord ascribed the state of our circulation was then in full force; and surely his tenants had a right, under all the circumstances, to suppose that their rents were to be paid in paper, unless it had been expressly specified in the leases, that the noble Lord would expect nothing but

gold. If there was no such condition, he must say, that it was oppressive and unreasonable to bring forward a demand which the tenants never had in contemplation. Besides, it should be considered, that by the rise of his rents at the period of the last leases, the noble Lord was indemnified for the existing depreciation of the value of money at that time. It might be said, perhaps, that what the noble Lord now wanted, was an indemnification for the depreciation of money that had taken place since he had let his land. But then it was to be supposed that every landlord took into account the gradual depreciation of money when he leased his farms. He would, of course, expect a larger rent upon a twenty years' lease, than upon one of four or five years; and this upon the ground of a probable increase of prices, or in other words a depreciation of the value of money, to a greater extent in the longer than in the shorter period. Besides, the noble Lord's principle would introduce a constant fluctuation of rent. For where, in 1801, he let his land, looking probably to the price of gold at that period, he ought in 1804 to have allowed his tenants a reduction of the rent, because gold was cheaper in 1804 than in 1801. If he did not, then, his tenants suffered precisely the same injustice of which he himself now complained, and which had induced him to adopt so novel a measure. The tenants could not be aware of the principle on which the noble Lord was now determined to act; and it was extremely hard upon them, that when the price of gold rose, there was to be an increase of rent, while, when it fell, there was no reduction. It was to be regretted that the noble Lord (King) had reserved the disclosure of his purpose till almost the very last hour of the session of Parliament, and had not rather announced it in some way or other at the commencement, when the House would have had time to discuss the subject fully, and devise some remedy to meet the evil. He would not at present enter at large upon the extensive subject of the circulating medium. The noble Lord had asserted, that the depreciation of our currency was manifest, because there had been an advance of prices on all commodities. But there might be other causes for this advance—for instance, the increased wealth of the country. But it was by no means true that this increase was universal. Let their Lordships look at the list of prices current, and they would see that many articles of the first importance were now actually lower than they were in

1798. There had been a great fall, for instance, in the price of tallow, hides, sugar, cotton, and all West-India produce. The noble Lord's proposition, therefore, was by no means correct. There was only one more observation which he wished to make; it was this, that the restriction on Bank payments in specie was not a measure of the present Government. Even the last Administration, to which the noble Lord was warmly attached, never thought of interfering to do away that restriction. There was not a scrap of paper left behind them in any public office, to shew that they even entertained such an intention; doubtless because they thought it unwise to meddle with such a delicate matter in the present circumstances of the country. The Administration with which he had the honour to be connected, had acted upon the same principle, and ought not, therefore, to be exclusively attacked. For his part, at the present moment, he did not wish for the alteration of the law, which was involved in the present measure; and he trusted there was too much good sense in the country for the conduct of the noble Lord to be generally imitated; which appeared to him to tend only to oppression and injustice. He hoped that the second reading of the Bill would be postponed to some distant day.

Lord Holland was perfectly ready to profess that he was not much acquainted with the doctrines respecting the circulating medium—much less so than many others of their Lordships; but as far as he understood the subject at all, he assented to the doctrines of his noble friend (Lord King); and this, together with the manner in which his noble friend had been attacked, both in and out of doors, made him anxious to deliver his opinion, and to share with his noble friend the obloquy and clamour that had been so loudly raised against him. He had no hesitation in saying, that if this measure passed, it must be only the first of a series of bills more daring than any this country ever saw, in order to attain an object which no government had a right to accomplish, and which, in reality, no government could effect. The noble Earl who spoke last had gone so far as to assert, that the demand made by his noble friend was unjust towards his tenants, and mischievous to the country. On the contrary, he (Lord Holland) would maintain, that should it appear, as he had no doubt it would, that his noble friend was only dealing fairly for the interests of his own family, acting according to the laws of

the land, and in consonance to his own rights, even though his conduct should be hostile to the system pursued by Government,—all that would only prove that their system was a bad one, and the sooner it was done away with the better. Instead of exciting a clamour against the conduct of his noble friend, should it not rather be received as a warning, that it was high time for Government to retrace its steps, and if possible correct the evil before it was beyond the reach of remedy? The whole matter might be resolved into this short argument. Bank-notes were either depreciated, or they were not; if there be no depreciation, then his noble friend's demand could do no harm, and gold could, of course, be obtained; if there was a depreciation, then he must contend, that his noble friend was giving the country a warning in time, by which they might profit. "Lay not this flattering unction to your souls," as if the present system could go on much longer. Were this Bill carried, recourse must be had to the *maximums*, and all the other measures which originated in France from the law that forbade the circulation of *assignats* but at their nominal value. The law of the *maximum* proceeded not from wickedness or folly, but from the previous steps that were taken. People would not bring their commodities to market, when they could not get what they wanted in exchange, and hence all the measures of force adopted to prevent the people from famishing. This Bill once made a law, he defied Parliament to stop in the tremendous career; and to the very same complexion as in France would the matter come at last in this country. There was no other remedy but making the Bank resume its payments in specie. There was no choice, no other medium left. The Bank must either pay in gold, or things would go on till Parliament be actually forced to adopt the most abominable measures of *maximums*, force and terror. The noble Earl had stated, what in his mind was the ground of advancing rents on granting leases. He said that it was founded on a calculation of the advance in the depreciation of money. But how much did these fatal words, "good and lawful money of the land," stand in the way of such an idea? Did not these words expressly mean, that the landlord was not to be paid in a depreciated currency; and was not the bank-note depreciated, when a pound-note and seven shillings were currently given for a guinea? But the true reason why the landlord granted a long lease, was, that his tenant might have

an opportunity of improving the land to his own advantage, and thus leaving it ultimately in the hands of his landlord of more value than he found it. He must again repeat, that his noble friend had, in his mind, acted agreeably to the interests of his family, the law of the land, and his own rights. The noble Earl had said, that the last Administration was equally accountable with the present for the continuance of the Bank restriction. But that Administration, it was to be recollected, lasted only about a year, three months of which were employed in a negociation for peace; and had it been attained, the Bank restriction would have ceased of itself. He would now shortly advert to the speech of his noble friend who sat near him (Lord Stanhope). He never listened to the speeches of his noble friend without information and instruction; and, however much he admired the ingenuity which he had displayed on the present occasion, and gave credit to his honourable intentions, yet he felt convinced that his noble friend was recommending a line of measures which would involve the country in the greatest calamities. A noble Lord high in office (Lord Liverpool) seemed on a former night to approve of this Bill as a remedy; adding, however, that the evil was not so great as to require it at present, though it might do so in time. He (Lord Holland), on the contrary, would maintain the very converse of these two propositions, namely, that the evil did exist to a very great degree, but that this measure should neither now nor at any future period be the remedy. Mr. Burke, when speaking of the assignats, had justly observed, that it was the very essence of bank-notes to be founded on credit, and that the great distinction of the Bank of England notes was, "that they were powerful upon 'Change, though incompetent in Westminster-hall." The instant the bank-note was supported by the hand of power, and not by credit, then its value would rapidly sink away. Where was the justice of coming with the arm of authority, and saying, "take this note for a guinea," when it was known that the guinea was worth 27*s.*? But his noble friend had said, there was no remedy left—it was Hobson's choice—you must take it because nothing else was to be got; though he would not have it made a legal tender. This reminded him of the story of a gentleman who was fond of seeing deep potations at his table, and who used to say to his guests, "I press no man to drink more than he chooses, but still I make it a rule, that every

one who stays is expected to drink." Of course, those not inclined to drink deep soon rose to take their departure; upon which he used to ask his servant, in their hearing, whether he had let loose the great dog to walk about the passages; so that either way he had them. And thus, the Bill did not make bank-notes a legal tender, but it would so operate that you would soon not be able to get any thing else. It was a legal tender in disguise, and would banish all money from circulation, while it necessarily increased the issues of paper. His noble friend had again quoted the lively saying of Sir G. Saville, of its being possible to make any thing the measure of value. He agreed to it so far; but then it must be that which the people at large agreed to take as a measure, and not what the Government chose to force upon them. Value must consist either in opinion, or in intrinsic use. And here he would call to the recollection of the House, what Mr. Burke, in his letter to a Member of the National Assembly, had said on the subject of the assignats. He could not now quote the expressive language of that great man, but the substance of it was, "that the Assembly might place the government in what hands they chose; but if once they declared paper to be coin, the real governors of the country were the coiners of that paper." Should this Bill pass, the Government of the country would be no longer in the hands of King, Lords, and Commons, but in those of the Bank; and all the multifarious transactions of men, in all the walks of life, would be left to their control. Their Lordships were interested with the Government itself, not to place the happiness of the country at the discretion of the Bank Directors. He must, therefore, enter his solemn protest against this measure. If once adopted, you could not stop; the bank-notes would run the same course with the assignats, and, after passing through various stages of depreciation, would at last end in being absolutely valueless. He knew that a great deal might be said of the inconvenience of paying in specie; but if that was not done without delay, or at least a period fixed for the resumption, the neglect would not fail to draw on the greatest evils.

The Earl of Ross observed, that all the arguments of the noble Lord who had just sat down rested on this foundation alone, that the paper currency was depreciated. Now, that was the very question to be decided; and there was one argument which to his mind was decisive, that no depreciа-

tion had taken place. The value of any useful article could only be depreciated by too great abundance. There was every reason to believe that the amount of notes of the Bank of England now in circulation did not exceed the mass of circulating medium compounded of notes and gold in 1798. Was a less quantity of currency required now than in 1798 to conduct the mercantile transactions of the country? Surely not; our domestic transactions had, on the contrary, greatly increased, and therefore there could not be a superabundance of the circulating medium, which could be the only cause of its depreciation, particularly as nobody doubted the credit of the Bank. The question was, whether a remedy should be applied to prevent the evils which a noble Lord's determination was likely to produce. He thought there should, and that the present Bill presented that remedy. Of all the measures of Mr. Pitt, who was certainly one of the greatest financiers that ever lived, the Bank restriction was that which was attended with the greatest advantages. Had it not been for that great operation, the country would long ago have succumbed before the enemy. It was asserted by some, that if the quantity of circulating medium was reduced, it would increase its value. But, then, look at the other consequences. It would cramp and confine the industry of the country; it would put a stop to the operations of agriculture and commerce; the country would suffer the most tremendous evils. This would be the effect of making the Bank pay in gold, as its issues would necessarily be contracted in proportion. He wished this measure to be extended to Ireland also. The situation of the people in the north of Ireland was at present most calamitous; they were completely at the mercy of their landlords. Many of them would only take the notes at a discount; and if there were any noble Lords from that part of the empire now present, he would ask them, if there was not a class of persons there who would only receive notes at one value and issue them at another? (*Hear!*) Could there, he would ask, be a more monstrous injustice than this? Many persons flattered themselves, that few would follow the example which a noble Lord had that night declared his intention to set. He thought most highly of the good sense and patriotism of the people of England: yet, when men thus saw an opportunity of getting an addition of 20 per cent. on their rents, was it to be supposed, that only a few would avail themselves of it? He

conjured their Lordships to adopt the measure, and that without delay.

The Earl of Lauderdale regarded the present subject to be paramount to all others in point of importance; and the magnitude of the question was such as would render it criminal in Ministers to dismiss Parliament at present, without coming to some determination upon it. The noble Lord who spoke last had asserted broadly, that the paper was not depreciated, because the issues of the Bank were not greater than the compound mass of gold and paper in circulation in 1798. But were the notes of the Bank of England alone to be considered? Why, the private Banks had doubled since 1798, and now there existed the extraordinary number of 720 private Banks, all issuing as much paper as they could possibly circulate. Whenever the notes of any country were withdrawn from circulation in any number, then the effect was, that the value of those which were left increased. This was the case in the North American colonies, and it was the same in the reign of King William, as he should afterwards show. He was anxious to know whether Ministers really approved of this Bill. Could they figure to themselves any advantage from it? Who was it that they wished to relieve? Was it the tenants? Why, the noble Lord was perfectly willing to receive bank-notes at their present value, compared with the coin of the country. So far, then, they would circulate as before. But were this law to pass, he had not a doubt that it would not only diminish the number of bank-notes, but also depreciate them. He really thought that the only object of his noble friend, in proposing this measure, was to feel the pulse of the House, and of the country, on the subject. The noble Lord asked if this was a new state of things? No: at the latter end of the last century, circumstances almost exactly similar occurred. In the year 1696, men were going about purchasing notes for the purpose of paying their debts; and after they had collected a great number at a depreciated value, they brought them forward, and paid them to their creditors, who were obliged to receive them at their full amount, or to go without any part of their demand. In proof of this his Lordship read an extract from Mr. Drake's account, in 1699, of the attempts made at the above period to diminish the value of bank-notes. He contended that two species of circulating medium can never exist at the same time in equal credit; for if one rises in value, the

other must be depreciated; and if gold rose, paper, which was to represent it, if it once lost the confidence of those who were to receive it, must sink in the same proportion as the other rose in value. This was the case in France, when the louis in gold was worth 1200 assignats in paper. Nothing could be more wretched and miserable than the situation of the people under these circumstances; notwithstanding which, no sooner was the whole of the paper swept away from the face of the country, which it was in the space of one day, than from that moment, the very same country, from being greatly distressed, became highly flourishing, by getting rid of a set of wicked and mercenary individuals, who delighted to make their own fortunes on the ruin and misery of the public at large. Many arguments had been urged to show that the credits of the Bank of Scotland were similar to those proposed to be introduced by the present Bill; but he denied that any proof had been adduced in support of these assertions; and he was sorry to observe, that for want of more substantial arguments, Ministers had been driven to resort to that miserable one—that the last Ministers, who were only in office one year, had not taken any step to remedy the grievance that was now so loudly complained of. It was extremely unfair to urge such an argument in their own defence; because they well knew that the late Ministers were, during the greater part of the time they were in office, engaged in a negociation for peace, which had they succeeded in effecting, would have put an end to the Bank restriction. Had they continued in office longer than they did, he was convinced they would have shown their zeal for the interests of the country, by attending in the most serious and effective manner to this most important and desirable measure of causing the Bank to resume their payments in specie. Before he sat down he would conjure Ministers maturely to consider the nature of the measure they were now about to adopt. He knew very well that the noble Earl who brought forward this Bill was possessed of great ingenuity; but he did not seem to have studied the nature and extent of its provisions. Could they bring forward an effectual remedy? No; the only way they could do it would be to make bank-notes a legal tender —a measure which he believed no man would venture to bring forward, either in that House or the other, without a great risk of being called to the severest account. The

noble Earl in his letter to the Lord Chancellor, had assimilated the pledges of the Bank to be given by this Bill, to those which were in force relative to the Royal Bank of Scotland: but nothing could be more different; for in Scotland there was not a bank-note in circulation which the Bank was not obliged to pay in cash whenever it should be demanded. To this had been owing the very great improvements in that country, and the reason why the rents there had in the same space of time risen to a much higher state than they had done in England. Speaking of the argument of the noble Earl (Bathurst) as to the injustice with which he had charged his noble friend (Lord King) of acting towards his tenantry, his Lordship declared, he never heard such nonsense. He felt himself ashamed of the House when he reflected on the mode in which the question had been urged. Ministers had adopted a measure, for which they had not been able to advance a single argument, except that of condemning an individual for pursuing a course with respect to his own property, which the law most fully and directly sanctioned.

Lord Redesdale said, if every landlord in the country were to insist on his tenants paying their rent in gold, they might very soon come to the point of asking two hundred for one, because for the tenants to obtain gold would be impossible.

Lord Grenville said, that since he had sat in Parliament, he had never seen Government in such a dreadful state as that in which they were at present. One of the most important interests of the subject had been brought into discussion by this Bill, and it was deserving of their Lordships' most attentive consideration. When the question was brought forward in the Commons, the mode they took to try it, was by shutting their eyes against all the difficulties they had to encounter and wished to be done away; and by entering into a string of resolutions which, in his opinion, did not go to the point in question, they fondly but vainly flattered themselves that the matter would subside, and hereafter remain at rest. He expressed his surprise that Ministers should have so conducted themselves; and that the only one of them who had this night spoken on the subject, should have altogether deserted the argument, and resorted to that of arraigning the conduct of an individual Peer, who had acted as he thought it was his duty

to do for the protection of his property and the interests of his family. It would have been natural for the revolutionists of France—for the colleagues and advocates of Robespierre—to advert to such an argument; but to hear it brought forward in that House, was more than he could have expected. If there are rules enjoined by the law of this country by which men are called on to regulate their conduct respecting their interests as opposed to each other, surely every individual had a right to regulate his conduct according to those rules; and whilst he did so, he was deserving the praise of all good men. He could not therefore but feel highly indignant at the manner in which his noble relative (Lord King) had been treated by the attack which had been so unjustly and unfoundedly made on him. He was proud to say, that he loved his noble relation, for the numerous amiable qualities which he so abundantly possessed. He loved him for the benevolence of his heart—the clearness and liberality of his mind; and knowing these as he did, he would venture to say, if there was one in this country less likely to act with a degree of harshness or oppression towards his tenants, it would be his noble relative to whom such conduct had been so mistakenly imputed. Were their Lordships ready to carry the argument from his noble relation to every individual in the country? Were they ready to say to the merchant, that he should not conduct his own concerns in the way he liked best, but that he should go to the particular markets they would point out, there confine himself to such speculations as they should be willing to allow, and in those he should make no more than such or such a profit? If they were to do so, he believed they would soon find their own blindness and error. The only safe mode to be adopted was that so prosperously pursued by our ancestors, but which the Board of Trade had been so lamentably contracting for the last three years, viz.—that of suffering every man to conduct his own affairs as to him shall appear most likely to render him prosperous and happy. Were we in a state to be told, that a man shall have any other rule of conduct than the laws of his country? His noble relative had done no more than exercise that rule of conduct, and to claim those rights which he enjoys under the provisions of the law; and if it be denied to him to do this, or if reproach be thrown on him for so doing, it was the language of clamour and not

of reason, and therefore ought not to be attended to. If there had been an atom of justice in Ministers, instead of raising a clamour against his noble relative, they would have admitted he was not the first who broached this doctrine, but that a noble Earl in Ireland had long before done it; but instead of this, they resorted to clamour against his noble relative, to prevent him from doing what the laws of the country gave him full right to do. With respect to the point in question, he (Lord Grenville) conceived the moment was now come (too late perhaps to remedy all the evils attached to the measure), but he believed the moment was arrived, in which they might do away great part of the mischief; and if they did not seize it, he was afraid the country would long have cause to lament their blindness and obstinacy. The noble and learned Lord on the Woolsack had that night told them, that Mr. Pitt had, in 1797, laid on this restriction as a measure which was intended to be continued. He (Lord Grenville) did not know where the noble and learned Lord had obtained his information on this subject; but he (Lord Grenville) could safely declare, that as one of the then Administration, he and Mr. Pitt had looked on it as the most afflicting day they had ever felt at being obliged to enter upon that even as a temporary measure; and for his own part, for the share he had had in that decision, he had ever since felt regret: and when Mr. Pitt, in consequence of the renewal of hostilities, found it necessary to continue the suspension to the end of the present war, he (Lord Grenville) strenuously opposed the Bill, and recommended an immediate resumption of cash payments. With regard to what had been said relative to the year he was in office, he thought it had already received a very proper answer from his noble friend near him (Lord Holland). He would, however, beg their Lordships' attention to a few words on that subject. His Majesty had done him the honour to call him to his Councils in the month of February, 1806; and till the month of November he and his colleagues in office were actively and continually engaged in endeavouring to bring about what was certainly in the estimation of every man a most desirable object, viz. an honourable peace. After that he would briefly tell the House, how he had been employed during the four remaining months which he continued in his Majesty's service. From the moment he saw an honourable

peace (and no other would he have agreed to) could not be procured, it was his opinion, and that of his colleagues, that our best and safest way of proceeding would be to husband our means in such a way as to enable us to carry on the war to the latest possible period to which the enemy might have the power to protract it; and he proposed, therefore, a system of economy, which, by being persisted in, would have enabled us to do so. He considered at that time the Bank restriction to be a great evil; but thought, at the same time, before he required them to resume their payments, he would by his system put them in a condition to do so—by which, if carried into effect, the people would have been saved from the payment of three income taxes. One to the Government, and two to the Bank restrictions. It pleased his Majesty, however, to call to his Councils the present Ministers, who by a system of prodigality and expenditure which was dreadful to think of, he was afraid, if not speedily put an end to, would inevitably ruin the country. He had been informed, and he believed it to be true, that the estimates for the present year amounted to 90,000,000*l.* sterling, which clearly showed that we were engaged in and running a course of extravagance far beyond the means of the country to support, and which, if persisted in, must entail on us inevitable ruin. It was, however, one of the causes of the immense issues of paper; and those were the root of its depreciation. It was ridiculous to suppose an evil of such magnitude could arise from the act or acts of any individual. The Bill now brought forward, showed the paper was depreciated, and that was the ground of the shameful argument used against his noble relative near him. Gold is not scarce, but paper is depreciated. If you will pay the quantity of paper equal to the present price of gold, it would be found that gold was never so plentiful as it is at present. His Lordship commented at some length on the pernicious tendency of the Bill, which, though declared by the noble Earl who brought it forward, not to be intended to make bank-notes a legal tender, yet went so near it as to create great risk of committing gross and flagrant injustice. The noble Lord then proceeded to animadvert with great strength of argument and observation upon the danger of making paper a legal tender. "If there be law in Venice, you must pay in money, or else you will shake the foundation of the Senate." His Majesty's Ministers appeared now to be adopting measures which had

been stigmatised by all eminent authorities upon such subjects as most injurious to a State. They had determined to issue tokens for three sterling shillings—tokens which, according to the standard value of the sterling shillings, would not be worth more than 2*s.* 4*d.* In this instance he must contend, that they were not satisfied with a depreciated paper, unless they accompanied it with a debased coin. If this measure were fit to be adopted, he should be glad to know, why the tokens were not to be issued by Government for the profit of the public? He could see no good reason why the profit should go to the Bank of England, rather than to the Treasury. The tokens were to be prepared in the King's mint, and under his immediate sanction; and if the nation was to take the mischief of the issue, the public was entitled to the profit. He had thus long detained their Lordships, because he felt it necessary to state explicitly his opinions upon the subject. But he had by no means exhausted the subject; he had not even expressed all the considerations which suggest themselves even to his mind upon the question. If the measure were to be persisted in, he should often have to address their Lordships upon it; not that he was not perfectly aware how little useful it was to address their Lordships upon such occasions; but because, feeling as he did respecting this measure, he should not think that he had performed his duty if he failed to state his sentiments. Whatever might be the future misfortunes of the country in consequence of these measures, he was sure that he could bear his proportion of them with the fortitude of a man conscious of having discharged his duty in endeavours to avert them: but when he considered how particularly it had fallen under his observation on a former occasion to watch the progress and effects of similar measures in that unhappy country, France, he should be criminal not to use all the means in his power to prevent their introduction into this country.

The Earl of Liverpool observed, that the question before their Lordships had been argued with a view to the ulterior measures which the noble Earl who brought the present measure forward had in his contemplation. For his own part, he wished, in any thing he should feel it necessary to say upon this Bill, not to be understood to give any opinion or approbation of those ulterior measures. The principle of the Bill under consideration he had certainly approved of; and when first the measure was opened to their Lord-

ships, he had declared it to be the best remedy for the evil in the contemplation of the noble mover. And this declaration he had made, founding his opinion upon the principle of the measure of 1797, that it was not desirable to extend the principle of legislation beyond the necessity of the case. He had, however, on that occasion conceived that it might be better to let the question rest upon the law as it stood, because he was then of opinion that the example mentioned by the noble Earl would not be generally followed. This opinion of his was not founded upon any impression that he had any right to inquire into the precise degree of public spirit and principles which individuals may be influenced by in the regulation of their private concerns; but because he thought it would not be for the interest of any individuals to follow that example. The interest of landlords and tenants could not be separated; and consequently any act that would bear hard upon the tenant must be injurious to the landlord himself. If the example of the noble Lord were to be followed generally, the tenants would generally indemnify themselves by raising the prices of the articles they brought to market; but if it were not followed generally, the particular tenant would not have the means of indemnifying himself by a rise of prices, and the consequent injury he would suffer would also be felt by the landlord. Though he had at first thought, that upon the whole it would be better to leave the law as it stood, yet when he attended to the principle of the measure under consideration, and particularly to the principles of those who had opposed it, he began to feel that the remedy should be upheld; that if Parliament should separate before the adoption of such a measure, much public inconvenience would be the result; and the remedy, which was now easy, would perhaps then be ineffectual. If ever a question had been exhausted in the history of the proceedings of Parliament, it was the present. It had not only been discussed day after day for many successive days, but a very considerable number of publications had been written by able, acute, and ingenious men upon both sides of the question. Whatever difference of opinion there might have been as to the origin of the evil, upon the propriety of binding the Bank to resume cash payments at any definite time, there appeared to be very little difference. Upon a division on that question, in another place, the minority did not exceed 47. The noble Baron, who wished, and properly, to take

the subject into consideration when taken up in another place, last session, well knew that he was ready to afford him every facility. The noble Baron who spoke second in the debate, had stated that bank-notes were depreciated, because they did not now purchase as much food and other necessaries as formerly, and had instanced wheat and corn. But papers on their Lordships' table showed that the rise in the price of corn was attributable to other causes. The consumption had increased considerably beyond the produce. The 400,000 quarters formerly imported were now consequently increased to 6 or 700,000. This was not owing to depreciation, as by reference to the price of iron, timber, wool, cotton, feathers, tallow, and hides, which were known to have fallen in price as gold bullion rose in the market. The measure of restriction had been resorted to in the first instance to prevent the Bank from paying in cash, and to keep the bullion in the country; and he knew it to have been the opinion of the great man who originated the Bank restriction, that the public creditor should never be placed in a worse situation than any individual having equivalents in any other species of security. But the public creditor, if compelled to take notes at par for his dividend, whilst the tenantry would be allowed to take them at a depreciated rate, would be greatly injured. The noble Baron had said, that gold enough could be had, if we were willing to pay the price for it. He knew not upon what authority this had been asserted; but he knew that one of the most extensive and respectable merchants perhaps in the world, who was not much in the practice of giving his support to his Majesty's ministers, had decidedly stated in the House of Commons, that if he wanted ten thousand pounds, he should not know how to get it. If the Bank could procure gold, it would find its way out of the country. This was owing to the unexampled state of the world, and the convulsed state of commerce. He agreed with the noble Baron, that our exertions in the prosecution of the war had the effect of a drain upon the coin of the country; though he differed from him in thinking that the exertions we were making were well worth the price we paid for them. We could not expect to have a navy triumphant all over the world—to strip the enemy of all his colonies—or to maintain a great army in the Peninsula, and another in the Mediterranean—without feeling some drain of our coin. When he considered the consequences that

might follow from the example pointed out by the noble mover, he thought it would be unwise to reject the Bills as such rejection would lead to consequences highly injurious to tenants, but still more injurious to the public creditor.

The Earl of Lauderdale briefly explained, and referred to the evidence of Mr. Merle and another, to show that gold might be had as heretofore.

Earl Stanhope rose to reply. Before he should say any thing upon the subject of the Bill, he must observe, that a noble Earl had stated, "that he had views of his own in bringing forward this measure," and he wished for an explanation.

The Earl of Lauderdale disclaimed distinctly having ever intended to say, or having ever conceived, that his noble friend could have had any views of interest in the measure.

Earl Stanhope expressed satisfaction at the explanation given by his noble friend, and added, that he had not conceived it possible for his noble friend to suppose that he could have had any views of interest in bringing forward such a measure. But when such words strike the ears, they ought to be explained; and he should be extremely sorry that any person who had heard the words should think them applicable to him. He had always been a speculative man, and very little given to views of self-interest. He had always thought, that the man who was in possession of a large property not gained by his own talents and industry, but derived from the mere accident of birth, was in fact but a trustee for the public; and owed it to that public, to return some part of that estate for its benefit. To show that he could not only preach, but practise, he would say that he had never received a shilling from the public, and that thousands and thousands he had expended for the advantage of the public. He should never have said this, but that the words so satisfactorily explained had been used, and this led him to the answer to the question of his noble relative (Lord Grenville) "what he meant to do with the small transactions?" In reply to this question, he had to state a fact which he was persuaded would give their Lordships satisfaction. He had, after many years of application, at much expence, and with the assistance of the ablest artists, discovered an effectual mode of preventing the forgery of bank-notes. It was a thing hitherto thought impossible, but he had discovered the means of striking off a

million of plates, all of them proofs; (*hear!*) and when he had it complete, he should give the invention gratis to the Bank for the public good. A noble Lord had said that the dividends must soon be paid in gold; but the gold was all gone—nobody thought of it; the thing was impossible. His noble relative had made an observation which showed that he was right; for he said, that as long as there was gold in Venice, gold should be paid. But there was no gold in Venice, and it could not therefore be paid: which proved him right. When he came down to the House, he imagined that Ministers would throw out the Bill; but the arguments of his noble friends against it had made converts of them, a task which he could not accomplish; so he had to return them thanks right and left. *(Much laughing.)*

A division then took place:—

For the second reading	36
Against it	12
Majority . .	24

The Bill was then read a second time, and ordered to be committed on Thursday.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, JULY 2.

The Speaker, agreeably to requisition, attended in the House of Lords, and on his return informed the House that he had heard the Royal Assent given by Commission to a number of public and private Bills.—(For which see the Lords.)

STATE OF POPULATION IN THE WEST INDIES.

Mr. Stephen moved that an Address be presented to his royal highness the Prince Regent, praying that he would be pleased to order that there be made out by the persons acting under the Governors of our different West-India islands, for the purpose of being transmitted to this country, in order that the same may be laid before the House, an account of the total number of Slaves in each Island

down to the latest period; an account of the number of white inhabitants in each Island; an account of the number of free persons of colour in each Island; an account of the number of parochial cures in each, distinguishing those pastors who were resident, the number of officiating curates, the extent of each parish; the number of souls in each, the number of dissenting clergymen, &c. Also an account of the births, deaths, &c. of slaves in each Island; an account of the number of convictions and forfeitures for default of returns regarding slaves, distinguishing whether the defaults were made by whites or by people of colour; also of every act and thing done relative to the protection, regulation, or restriction of slaves; and of all seizures of vessels made for carrying of slaves under the Abolition Act.

The motion was agreed to, and the Address ordered to be presented by such Members of the House as were of the Privy Council.

Adjourned.

HOUSE OF LORDS.

THURSDAY, JULY 4.

GUINEAS AND BANK-NOTES.

On the order of the day for going into the Committee on Earl Stanhope's Bill,

The Marquis of Lansdowne rose to state to the House the necessity of considering more fully the principles on which the Bill proceeded, as it went to enact measures which had in other places always produced the most calamitous effects. This subject, it appeared, had arisen from the resolution of a noble landlord, to receive only that which was his legal right. The effect of the Bill must be, in the end, to make bank-notes a legal tender. The disposition, hitherto, to take those notes was in the knowledge every one had, that he had his remedy by law, which would protect his property and rights; but they should reflect how that matter might stand after this Bill was passed. If the landlord did not take care to protect himself against the consequences of depreciation, he might be left by law without any sort of protection whatsoever. Where was his security to be found? Various things might be made the circulating medium. Horses or wool might; but it was only to a certain extent

that horses of wool could be produced. That was not the case with the manufactory of paper. Would they look for security to the discretion of the Bank Directors? They had seen their practice, and the differences of opinion they held. Would they look to their sense of duty? That duty was not to the public, but to the Bank proprietors. Would they consent to commit all at once to such a body, irresponsible to Parliament, powers which Parliament had never granted even to Ministers, who could easily be rendered responsible; with the evidence, too, that they had used their power already so as to produce such effects on the course of exchange during the last five years? He understood that Ministers intended to propose a clause, which would have a still more serious effect than the Bill as it stood. *If*, however, the Bill must pass, he hoped that, at least, one addition would be made to it, to afford some security against farther means of increasing the depreciation. In the present radically unnatural and fundamentally distorted state of things, it was not possible to adopt any remedy commensurate with the evil; but a clause might be inserted, to prevent the issue of more bank-notes than the number in circulation at the time of passing the present Bill. That would be some security against the abuse of so great a power. The general principles of the Bill went to sanction measures radically wrong, always mischievous, and founded on a view of things totally contrary and foreign to all the opinions of our ancestors—directly contrary to the light in which the Bank of England had been regarded ever since its existence. In the reign of William III. in an Act for raising duties on Rock-salt, it was enacted that bank-notes should be taken at the Exchequer, provided they were not at a discount; the possibility of which was admitted, and in that case they were to be refused at their nominal value. This was one of many instances of the careful view taken of paper circulation. Something ought to be done before Parliament adjourned. There ought to be a public recognition of the principles on which paper currency should be regulated, and the mode of the Bank's issuing its paper, which would show to the public the care Parliament took that the currency should not be depreciated, and which would have a better effect on the public mind than this Bill. The Bill would have but a temporary effect; it was a palliative which would only augment the strength of the disease which caused the evils. He was not ready to go all

the length at once of removing the restrictions, though he thought that gold would come to our hand again with the demand for it. But great inconvenience would arise from any violent step, by the sudden fall of prices which would be the consequence of the change. Could he believe there was no depreciation of currency, then the Bank might be permitted to pay at once. If not so, then the same consequences would ultimately result here as in France. It was not the military power of Buonaparte at present, but the commercial regulations, that rendered it necessary to pay on the Continent in gold and silver. We had the means of getting every thing that our vast commerce and maritime dominion could command, except (as it appeared) gold. The moment we returned to sound principles, and placed things on a proper footing, we should restore the course of exchange to its proper level; but there would be a considerable reduction of prices. The most gradual manner of proceeding was, therefore, desirable. He repeated his opinion of the propriety of a Parliamentary recognition; his objections to the Bill, as adopting the principle of making bank-notes a legal tender; and his intention, if they went into the Committee, to propose the restrictive clauses he had mentioned.

Earl Stanhope said, his noble friend misconceived his Bill, in which there was not a word of making compulsory payments. There was a difference between the two cases of a man offering a bank-note in payment to another, who declined it, and telling him, "you shall take it," and the case of one choosing to take it, when offered, but wanting to put his own price upon it. He reprobated in the extreme, the idea of a landlord having to ask only 400*l.* and saying to his tenant, that he would have 500*l.* Consider that the public creditor was to be paid in bank-notes, and that to him they were legal tenders. Was there justice in making such a difference? If a landlord and a public creditor were each entitled to receive one hundred pounds, why should one of them receive one hundred and twenty pounds? Was not this gross injustice to the stockholder, to whom the landed property of the country was pledged for payment of his dividends? He believed, when his noble friend was Chancellor of the Exchequer, he could not have consented to such a sponge to wipe off a great part of a just debt? If the landholder borrowed money, had not the lender a right to receive his principal and interest in equal

mediums of value with those in which the borrower received his rents? If the land be pledged by John Miles to Tom Stiles, had not Tom Stiles as good a right to be paid in gold as John Miles? All he asked was, to put them on a par. If any body could shew him that all could be paid *in* gold, he would say, "pay in gold;" but if that was not the case, why should one man say to another, "you shall pay me a large sum in gold," when gold could not be found? Such practices, if persevered in, would create an explosion in the country like the shock of an earthquake. (*Hear!*) Was a man to be turned out by ejectment, and sent off starving, because he could not get what it was impossible, to procure? Would it be said, that that was right? He wanted to remove the temptation to this, which must exist while a landlord could demand *500 for 400l.* As to his definition, he would repeat that a pound sterling was that which a banker would write in his book as a credit for a pound sterling. Here he repeated his former statement respecting two entries at a banker's; in each of which, though the one be for notes, and the other for cash, a similar entry would be made as to the amount in pounds sterling, and a similar claim and credit given to the payer. That was his definition, and to him it appeared satisfactory. His Lordship proceeded—"So help me God, I would sooner be a scavenger, and sweep the streets, than I would oppress my tenants. What is the object, in such circumstances, to a landholder of great property of a few dirty pounds more? What ought to be his first interest and object? Why, his country ought to be his first object? (*Hear! hear!*) Yes, noble Lords, and my noble friends, may well call out *hear! hear!* I don't mind those *hears!* All the public ought to hear me! Nobody, I will venture to say, can blame my motives, though they may think me wrong; and it is quite possible I may be wrong, though I must be convinced of that!" (*Hear!*) The noble Earl then proceeded to read part of a letter from the no inconsiderable town of Manchester, stating facts which proved the necessity of doing something speedily. Six weeks ago, an attorney's clerk there wrote for payment of the great sum of one pound two shillings and sixpence. A note was tendered of twenty shillings value, and two shillings and sixpence. This attorney's clerk demanded three shillings and sixpence for his notice, which the writer said he refused to pay. The young attor-

ney then refused to take the pound-note, (and let their Lordships attend to this, and see to what it might lead, from unworthy and rascally motives), saying that it was no lawful tender. The other person went for a guinea, and got it; but the attorney in the mean time had gone and entered the debt in Salford Court. Then came a charge of 9*s.* 2*d.* expences; making altogether a sum of 1*l.* 11*s.* 8*d.* because the man had not a guinea with him. The master of the attorney was complained to on the occasion, and he ordered his clerk to return 7*s.* The same writer told him that he had seen many manufacturers of linen from Ireland, who were offering 20 per cent. for gold: being asked why they did so, they answered, that their Midsummer rents were nearly due, and gold only would be taken. The letter went on to state, that the writer believed that twenty per cent. was daily offered for gold. (*Hear!*) All this arose from compelling payment in gold, when gold enough could not be got. His ultimate object was not this Bill, but to enable them to make, in an advantageous manner, a new legal tender, which might answer the purpose, if there were not a single guinea left. The noble Marquis called that depreciation of currency, which others called advance in the price of bullion. He was sorry to differ with him so much on this subject, for he had a great personal respect for him. He had a high opinion of his ability and of his integrity. He remembered, also, that he was peculiarly acquainted with his noble Father, whom he most highly esteemed, and he respected the noble Marquis near him for his dutiful and affectionate conduct to that father. He might, therefore, be permitted to say, that he had a sort of hereditary affection for him. For his own part, he could conceive, without difficulty, that the circumstances of the times might occasion a very great advance in gold. The very circumstances of our commerce and manufactures, which was mentioned, was one cause of the scarcity. If the balance of trade was against us, so, of course, was the course of exchange. That affected the mode of payments. Every thing must go through that triple barrier, with which Buonaparte has surrounded the Continent; and if we continued to pay our debts honourably, we must send gold there. He had never said, nor would he say, that an extreme issue of bank-paper would not occasion a depreciation. He should suppose the circulation at fifteen millions, which was now at five millions in circulation. There was

one description of increase of paper for which he was extremely sorry—the country notes. He was astonished how it could ever have been permitted that a set of adventurers, in many places a parcel of rascals, should have issued their thousands upon thousands of notes, without, perhaps, having five hundred pounds of property for security. Every country banker, to be sure, was not of that description. He knew of one that had as much property probably as the two noble Earls who sat behind him, and that was not a little matter. He had near forty thousand a year, which was pretty good security. *(A laugh.)* There were some others, too, that were perfectly secure. But how many were there that had no security at all? All these, under a depreciation, must fail; and it made one's heart ache to think of the horrible consequences that must be the result of such failures to numerous families! Don't abuse the Bank too much for extending their issues, when the coin had diminished ten millions. Though he differed so much from his friends on this subject, he yet thought, that if they talked a little more together upon it, their differences would die away; as Pope said well enough, that if the people of different religions, who were abusing one another, would only agree to talk together one hour a day, there would soon be an end to all their religious differences. *(A laugh.)* He requested Ministers to do something before the recess. The alarm was obvious. Don't let them delay bringing up their engine; and not be quite so snailish on so important a subject. The noble Marquis, he observed, had not said distinctly, that he would not do this if he were a Minister. With respect to Ireland, he thought it right to extend the provisions of the Bill to that country: but he had considered it better to discuss its principles in the first instance with respect to England, lest something local and peculiar should have been started concerning Ireland, which would only have impeded the business. He had heard the Bill was to be new worded. That new wording might be understood by the lawyers, and even by himself; but it might be too technical to be easily understood by the common people, for whose benefit it was intended. Foreseeing that he might not be supported in many quarters, he would be responsible for nothing but his own Bill. He would take no farther charge of it, but sit in the Committee from curiosity. "I am," said he, "the father of this Bill, but I won't undertake to be its nurse. I have brought

it here to the nursery, and let the nurses take care of it." (*Laughing.*) He would agree to the clause for limiting the issue of bank-notes to their present amount, during the operation of the Bill, unless, indeed, he heard satisfactory reasons to the contrary. Still this was but a measure preparatory to the adoption of the book-entry system. The question was this: if gold could not be got, must you not have something to make a legal tender? The entry system was much better than locking up a quantity of money in a chest, particularly in cases of insurrection, or invasion. The thing might be done without a bank of gold deposit. A million a year might be saved in expenses, which might go to the general improvement of the country. The Bank proving its solvency, he would contend that the plan of entries might be advantageously resorted to, and might furnish the means of a legal tender, for which purpose bank-notes were objectionable. Payments in gold were now obviously made the pretexts for injustice. It was plain that that ought not to continue, and the system of a land bank or deposit entries might prevent it. That was the grand advantage of the plan, and it was necessary, in order to arrive at it, to pass this Bill. In the recess, if they did not do so, there was no saying what might happen. He had thus explained his ideas, and should leave the subject to the House.

Earl Grey said, the question had been so well discussed already by persons of the best information, that he should not trespass long on their patience. Into the subject of land banks, deposits, entries, and transfers, he should not then enter; it would be time enough when any such measure was proposed: yet without such a measure, it was admitted, that the present Bill would not be complete. He would disclaim for others, and particularly for a noble Lord, who had in these discussions been alluded to with so much warmth, the remotest idea of his being an oppressive landlord. Far different were the feelings and character of that noble Lord. He also believed that the noble Earl spoke most truly, when, in allusion to the great estate with which providence had blessed him, he had ever been a liberal and humane landlord. But he could not say, that proprietors of land ought not to protect themselves against this mode of interfering with their management of their property and domestic affairs; or that they might not justly feel it to be their duty to protect themselves against this

species of clamour which was raised. The noble Lord (King) stood eminently distinguished for his qualities, and he had openly and fairly explained and avowed his motives and objects in the proceeding which had led to the introduction of this Bill. He had defended himself on every ground of equity and justice, according to the known and established laws of England. He (Earl Grey) would not approve of taking 500*l.* for 400*l.*; but the noble Earl admitted that bank-notes might be depreciated. If that were the case, the depreciation might run on to seventy or eighty per cent.; and he wished to know if his noble friend would say, that, in that case, he would continue to receive paper at its nominal value? He would hardly agree to that, and yet, by his proposition, he ought to do so. Thus, then, the question was only a question of degrees. Might not a landlord, therefore, on principles of equity and justice, and with a due regard to his own interests, have a right to protect himself against the consequences of a depreciation of fifteen or twenty per cent? His noble friend said there was no depreciation. If so, he must presume that the tenant received no injury. Was it really to be maintained that there was no difference of value between paper and gold, after all they had heard on the subject, nor in the relative value of every necessary article of life, except a few, such as sugar and hides, which had not increased in price because they could get the exportation markets opened for them, and have, therefore, fallen in price? Look at almost every article, and the proofs of the diminution of the value of currency were visible. He thought his noble friend's definition, founded on the two accounts opened by a banker, a most extraordinary one. He should rather have said of a pound sterling, that it was what the law defined it to be—a certain quantity of gold, of a given fineness; and that was what the law entitled him to receive. It was under this security, which was given by the law, that British manufactures, agriculture, and commerce, had flourished to their present height: but it was to be taken away by this Bill. The protest signed by certain Lords merely said, that the measure leads manifestly to promote compulsory payments. His noble friend owned that they could not stop without a legal tender, not of gold. His Bill would not give that relief to the valuable class of persons of whom he professed to be the champion, which he promised. He had said the public creditor was paid in bank-notes; and

should we leave the tenants, certainly a class most highly deserving their attention, to the difficulties of finding gold to pay their rents? Had they not, said he, equal claims with others? He (Earl Grey) would do every thing in his power to keep perfect faith with the public creditor; and to ensure him, not a nominal but a real value, was in his mind a debt due to him from the justice of the country. Don't let the noble Earl fancy himself actuated by stronger feelings on this subject than other noble Lords. He had said he would put them all on a par; but could he protect the creditor from the effects of depreciation? Could he provide against any depreciation? He could not relieve the stockholder from a depreciation; but yet he exposed the landholder to its dangerous consequences! The noble Earl here noticed the extraordinary rise on the articles of absolute necessity which had occurred under the depreciation of paper systems. As the creditor of the public must still be paid in paper, the only difference this Bill would make, was, that the landlord who took it, should take it at its nominal value. But suppose the case of a landlord disposed to act vindictively; if he would not take paper, and could not get gold, the man might be confined in prison till he gave gold, though paper might help it on *mesne* process. It was admitted, that if this Bill was carried, they might resort to a new legal tender. Then they would have to go round the whole circle of dangerous expedients, and into all the miseries with which the system was fraught. Some years ago, we were told, that by our system we were to avoid all those miseries which he saw in other countries; and now, it appeared, we were, at last, to come to the adoption of such measures ourselves. We must come to a forced circulation, with all its train of calamities. He could see little difference between the scheme of his noble friend, and the making of bank-notes a legal tender. But what said the nurses, as his noble friend called them? The Secretary of State had said, that in 1797 the legal tender was not resorted to, because it was not then deemed necessary. As he (Earl Grey) then took part in most of the debates on that subject, he must say, that Mr. Pitt always discountenanced the idea of making notes a legal tender. What a picture of vacillation did the present Ministers present, only within three or four days! At first they were to throw out the Bill; afterwards they faltered; they seemed to have sat in Cabinet Council on it, day after

day; and at last they come forward and support it boldly. They seemed incapable of making a determination on so important and vital a subject of public interest, and shewed an unfitness for their situations. Attended as our affairs necessarily were, by great calamities, which, God knew! we must all be compelled to suffer, they sought for relief only in temporary palliations, which, while they appeared to abate the symptoms, were, in fact, only strengthening and confirming the sure progress of the disease. If they valued their property, their Lordships would not involve it in difficulties of which they could not foresee the termination. He should oppose going into the Committee, convinced that, if the Bill passed, there would be no end to the calamities, and no chance for the security of the property of the country.

Lord Westmoreland defended the conduct of his Majesty's Ministers, with respect to this Bill. It was not they who first called the attention of the House to the manner in which an individual managed his private concerns; and when the notice given by a noble Lord (Lord King) to his tenants was first stated to the House, they conceived that it was an example not likely to be generally followed. The noble Lords on the other side of the House seemed to think it necessary to bestow great praises on the merit and patriotism of such conduct. After that, and when it was recollected that private interests were often blended with patriotism, they thought it then likely that other patriots would follow such an example, and go to the length of paying their own debts in a currency which they said was depreciated, but of requiring all those who owed them any thing to pay them in a different manner. If such conduct was to be called patriotism, there was no seeing to what an extent it might run, and therefore it was necessary to guard the State against the ill consequences which might result from an excess of patriotism of this description. All those who argued in this way, set out with taking it for granted, that there was a depreciation in the value of bank-notes. He would, however, contend that there was not, but that bank-paper was as good as coin for any purpose to which the coin of the realm could lawfully be applied. They next asserted, that this depreciation was most evident by the rise of prices. The fact was, however, that there were many articles of great consumption, in which the prices had of late fallen instead of risen; and those that had risen

owed this rise not to any depreciation in bank-notes, but to an increase of demand, or a difficulty in the supply. When it was acknowledged, that the circulation before the Bank Restriction Bill was thirty millions, and that half of that had been withdrawn since, he did not see how the total amount of the bank notes, which was but twenty-three millions, could be conceived an excessive issue.

Lord Lauderdale was anxious to see how the Bill could be amended in the Committee, but he could conceive no amendment that would make it a proper measure. That of his noble friend (Lansdown) was plausible, but he was satisfied it would have no extensively good effect. The restriction of the Bank of England issues might not prevent the excessive issues of paper by private banks, and the evil might still go on increasing. There was, he believed, no remedy but payments in cash. As to the assertion, that those who thought with him were theorists, and that the opinions of practical men were against them, he had to observe, that their opinions were to be estimated by the circumstances under which they were given. Before the restriction, the opinion of Mr. Giles, the late Bank Director, and other eminent practical men, were clearly convinced of the necessity of cash payments—but when it became the interest of practical men to hold a contrary opinion, they changed accordingly. His Lordship proceeded to state, that when the measure of Bank Restriction was first agreed to, all men joined in regretting it. He was surprised, however, to observe, the Ministers of the present day did not concur with Mr. Pitt in regarding this as calamitous in an extreme degree, but as a circumstance which had enabled the country to make the exertions she had made. If so, would it not be considered as an argument equally strong, that if the issues of bank-paper were continued in an increased degree, the country would thereby be enabled to make still greater exertions?—noble Lords on the other side considered this to be the system on which the salvation of the country mainly depended. There were persons among the Administration, whose opinions on this subject he was particularly anxious to hear. The opinion of the noble Secretary (Wellesley), for instance, who on a former occasion, in such glowing colours contrasted the compulsory state of the paper currency of France with the unrestrained currency of this country, he was extremely desirous of hearing, hoping that the extreme

difference between the two measures would be made apparent. He had also been given to understand, that the idea that bank-notes should be convertible into money was the offspring of barbarous times. He was anxious to know how this could be made out; and he was therefore desirous that Ministers should have an opportunity of bringing out the present Bill in the most perfect way they could devise. He conceived this to be a most important measure. When originally proposed by his noble friend (Earl Stanhope), Ministers were pleased to represent it as one wholly unnecessary, and it was only from what had followed, coming from the side of the House on which he sat, that Ministers had thought the measure either necessary, or at all worthy of their support. What opinion was this holding out to the country themselves? Was it not to say, "We have no opinion as to what is good or bad for the country, and can form it only from what you say on the subject." That the country should, at such a moment as the present, be reduced to such a state from the want of all mind in its Ministers, he could not consider but as truly deplorable. That Ministers should now support a measure which they deemed wholly unnecessary, merely because it met with the disapprobation of those who were in general opposed to them, he confessed himself utterly at a loss to reconcile to any principle either of utility or of sound policy. He was decidedly of opinion, from what he could collect from the experience of every other part of the globe, that the only remedy which remained was the restoring of payments by cash. He hoped, therefore, that Ministers would still ponder before they gave effect to a measure which, as had already been found in France, could not be resorted to without the danger of ruin. If they persevered in the present measure, he should esteem himself called on to resist it more than any other which could be devised, conceiving it to be most pregnant with mischief.

Lord Ross, alluding to what had fallen from the noble Earl on a former night, said, if the notes of the Bank of England were depreciated, and those of the Bank of Scotland were not, how did it happen that the rate of exchange was not turned against England, which was not the case? It was agreed, that if the notes of the Bank of England alone were taken into consideration, there was no depreciation; and that the depreciation only arose from the country bank-notes.—It was, therefore, at any time in the

power of the House to apply a remedy, by limiting the issue of country bank-notes. Supposing, therefore, that the Bank Restriction Act had never taken place, the country might still have been in the same situation from the excess of country bank-notes.

The Earl of Lauderdale rose to put himself right with the House. He contended that he was accurate as to what he had said relative to Scotland, and that there the Banks were liable to pay in specie, in the same manner as they were previous to the year 1796. So much as to matter of fact, there being no clause in the Bank Restriction Bill, which could be construed to extend to the Bank of Scotland. As to the question, how it was to be accounted for, that no depreciation of the rate of exchange had thus been produced against England, he could only suppose this to have proceeded from the circumstance, that no landlord had made a demand of payment in gold till this year. He himself had long seen that it was in the power of any man, if he chose it, to make all the Banks in Scotland stop payment. He had known 500 guineas received in one payment, from a Bank in Scotland, within a short period.

The House then went into a Committee, when the original clauses in the Bill were agreed to, with some technical amendments.

The Earl of Liverpool said he was satisfied that in framing the Act of the year 1797, an omission had occurred, purely from inadvertency, in the clause protecting persons from arrest where a tender of the debt was made in notes of the Bank of England. He had no doubt it was fully meant that this should extend to distresses for rent also. As the law now stood, though no arrest could take place where a tender of the debt was made in bank-notes, still the party might refuse to accept of it, and might proceed in his action. This he meant now to extend to cases of distress for rent; and to provide that, though where, in such circumstances, the summary process must stop when a tender in bank-notes was made, still the landlord might go on with his legal remedy, if he chose it, till he should see how far that would avail him.

The clause being put, was agreed to.

The Marquis of Lansdown thought some limit should be put to the issues of paper by the Bank. He therefore proposed a clause, limiting the future issues of the Bank to the

sum to which they should be found to amount on the first of July 1811.

The Earl of Liverpool saw no evidence of any excessive issue, and thought that to specify a limit might produce inconvenience. The issues of the Bank had been increased last year, in consequence of the failures of a number of country banks; when the evils thereby felt, however, were done away, the issues of the Bank were reduced, and in February of the present year were under their necessary amount. To make the extent of the present issue, therefore, a criterion from which to judge of what might be the proper amount, would be by no means expedient. For the purpose of guarding the public, however, as much as possible, he should propose a clause, limiting the endurance of the present Bill to the 25th of March, 1812, so that, if it be renewed, it might at an early period become the subject of Parliamentary inquiry.

Earl Stanhope submitted that some limit should be put, even though it should extend to one, two, or three millions beyond the present amount.

Lord Holland conceived that the clause should at least be introduced into the Bill, to allow the House to judge of it as well as of the other provisions of the Bill, when it should be printed in its amended state.

The Earl of Liverpool said, he should move that the Bill be recommitted, that it be printed as amended, and that a day be then appointed for taking it into consideration.

Lord Holland still submitted that this clause was as well entitled to full consideration as any other clause that might be introduced into the Bill could be.

The question on this clause was then put and negatived.

Lord Liverpool moved a clause, limiting the endurance of the Bill to the 25th of March 1812, which was agreed to, after a few words from

The Lord Chancellor, who thought that if the Act of the year 1797 was to be continued, it would be an oppression on the subject of this country not to give him the relief proposed by the present Bill.

A conversation took place between Lords Stanhope, Redesdale and Liverpool, as to the wording of the preamble of the Bill, when it was at length agreed to, and the Report was ordered to be received to-morrow.

Adjourned.

HOUSE OF LORDS.

MONDAY, JULY 8.

MARSHALSEA PRISON.

Lord Holland adverted to what he had before mentioned to their Lordships respecting the state and management of this prison. He objected to its situation as unhealthy, and trusted, that in the new building care would be taken in this respect. He censured the mode in which supplies were given for the sustenance of the prisoners, which was so allotted as not to afford sufficient means of existence to the destitute. He also condemned the practice which prevailed there, by which those who are confined for punishment, and those who came there through misfortune, were exposed to a similar treatment. He stated farther, that if nothing effectual was done on these subjects, he should feel it his duty to bring the matter again before their Lordships early next Session.

HIS MAJESTY'S HEALTH.

Earl Grosvenor rose, and, after a few prefatory observations, moved an Address to the Prince Regent, praying that the Report of the Queen's Council on the state of his Majesty's health be laid before the House.

The Earl of Liverpool acquiesced in the motion, stating that it was his intention to have moved a similar address.

The motion was then put, and carried *nem. dis.*

GUINEAS AND BANK NOTES.

The order of the day for the third reading of the Bill being read,

Earl Grosvenor rose and said, that had he not been confined by indisposition, he should have signed the protest entered by several other noble Lords against this Bill. He expressed his surprise at the conduct of Ministers on this occasion, having understood, when he was last in the House, from what fell from the noble Secretary of State, that, though he approved the principle of the Bill, it was not the intention of Government to support it; but, on the contrary, to propose the second reading at a distant period, which would be to throw out the Bill. He was perfectly convinced of the dangerous tendency of the measure, which,

if followed up, must render it necessary to make bank-notes a legal tender. He was particularly astonished at the vacillating conduct of Ministers in first opposing and then supporting the Bill. He believed the measure of restriction on the Bank might have been, in the first instance, a measure of necessity, justified by the circumstances of the times; but the principle of it was so bad, as a permanent measure, that it ought to have been taken off at the first opportunity. Such an opportunity, he should conceive, occurred after the peace. He meant to imply no censure on the conduct of a noble Viscount, then at the Treasury, and now unfortunately prevented from attending by a severe domestic affliction, who, he did not doubt, would be ready to justify his own conduct. He wished to hear from Ministers whether their support of the Bill now did not originate in the wishes and representations of the Bank of England, who thought so differently some years ago, and came, as he understood, to the then Ministers, with tears in their eyes, requesting the restriction to be taken off. Whether their tears were sincere or hypocritical, he could not tell; but now, after a lapse of years, during which they had made great profits, they altered their tone, and the taking off of the restriction would bring from them tears of sorrow. The interest of the landed property and agriculture, indeed the general interests of the country, demanded that we should not follow those fatal precedents of which they had all seen the miserable consequences. If that House should pass the Bill, there was yet another House to carry it through, and there he hoped it would be rejected. With the sense he entertained of its mischiefs, he should give his vote against it on the division. He commented on a figure that had been used concerning the Bank, (by Earl Stanhope), in which it was called one of the bottom-planks of the ship of England. So it might have been before the restrictions; but as there was some difference between gold and paper, so there was between the plank of sound British oak and this sort of *papier maché* with which they attempted to keep out the water. Restore the Bank to its original state, and it would be again a sound bottom-plank of the good ship England.

After a pause of some minutes,

Lord King rose, and said, that he had waited in expectation of hearing from Ministers some explanation of the principles and the expected consequences of this Bill. He

would endeavour to explain shortly what he thought of its character and tendency. Ministers had found out, that but for this Bill, they would soon have, not merely what they were pleased to call theoretical arguments, but plain practical arguments, to show, in too glaring a light to be resisted, the depreciation of paper, and the refusal of bank-notes. If this Bill did not pass, what would be the consequence? That contracts of all sorts would be easily and properly settled: but this Bill rendered two operations necessary for this purpose, instead of one. Under this Bill, a man having money to pay under a contract, and paper refused, would be obliged to sell his produce for a smaller quantity of gold. In the other case, the contract would be easily settled, by settling the difference between gold and paper. All that was proposed to be done would be merely throwing additional difficulties in the way of adjusting questions of property. The difference of currency now, and in 1808, was as ninety-three guineas to a hundred. Here his Lordship stated various calculations tending to show the depreciation. He had never witnessed any thing more lamentable than the total deficiency of argument manifested the other night on the subject, in the speeches of Ministers. He heard nothing but that the Bank said, and they (the Treasury) said, that a pound was a pound—that the twenty-shilling note was equal to a pound; and that it was impossible that the note could be depreciated, since in the year 1797 the affairs of the Bank were thoroughly investigated, and their solvency proved; and that since that period there could exist no doubt of that solvency, as they had greatly increased their profits: that was to say, they had made great gains by the public calamity. Thence it was argued, that the Bank must be much more secure now than it was in 1797. He would ask Ministers whether they did not think that a person might be solvent, and yet that his notes might be depreciated? Every body knew, that, but a few years ago, Exchequer-bills, which might be said to have a greater security than the Bank, and which likewise bear interest, which Bank paper did not, were at a discount of, he believed, 15 per cent. So far was solvency from deciding the question. There were many other things to be taken into consideration, which rendered the argument from solvency quite inconclusive. The depreciation he considered as a positive and undeniable fact. Whatever steps they

took on this subject, on the principles adopted, they would legislate in vain; they would be only losing time, and would never effect their object. The difference between guineas and notes was so great, that the consequences could not be averted. A circumstance had been stated elsewhere, which proved the great difference between paper and gold, in the case of a man applying for three per cent. stock, which he was told was at 64 and 65; but the man saying he had brought 1000 guineas in his pocket, he was told that that would make a great difference. What the difference was, he (Lord King) did not exactly remember, but it was very considerable. What was now proposed, he contended, was utterly useless, unless they were prepared to go the whole length, and adopt the principle of the maximum. They must soon make bank-notes a legal tender, if they adopted the principle of those acts in France, so atrocious and justly stigmatized. But, perhaps, they would feel it impossible to go so far, and to subvert the established foundations of property. One reason had been assigned by the Secretary of State respecting the necessity of protecting and securing the interests of the tenant, which greatly surprised him, from the utter ignorance of the subject which it showed. Could the Secretary of State be so ignorant of the nature of the general agricultural interest of the country, as to make such distinctions? The Bill materially affected the general security, and would do great harm to agriculture, by taking up certain supposed interests of a particular class. Who would grant leases, if Parliament interfered with private contracts? If they altered contracts, no man would enter into them, except for a very limited time. If they proceeded to make the note a legal tender, and thereby tore out the stipulations of a legal contract, by which a man had absolutely delivered over his property, for a certain time, to another, under certain expressed conditions, they would put a speedy end to all reliance and confidence in public or private faith. (*Hear!*) He agreed that things were come to an important crisis, and the consequence was, that they must either bring back the legal currency, or resort to these mischievous expedients. Either currency must be at its true and proper value, or there must be a difference of prices. It was vain and idle to legislate on this subject. There was no rational course to pursue but by the restoration of the currency to its value.

The Lord Chancellor said, that after what had passed, he felt it his duty to state his view of this subject, according to the best of his understanding. He felt fully the sacred duty of not interfering with the contracts of individuals. He had been a faithful law-servant of that Government, which in 1797 took the bold step, and he knew that it was then looked upon as a step of great importance, and requiring much consideration. In 1811 he thought that circumstances were very different. How had this business come before the House? It arose from a notice sent by a noble Lord to his tenants. He should not quarrel with the opinions of others, whatever views he entertained, and although he would not have done the same thing. There were four modes of proceeding open; by distress, by action for debt, on covenant, or by ejectment. The right of taking a man by the collar remained, unless he tendered bank-notes. He that would have the pound of flesh might proceed, but the Legislature of 1797 did not interfere with the case of a distress. As to lawful money, every body who had to pay the money was held to pay it in lawful money. The noble Lord (Grenville) might remember, if he would condescend to do it, his strong doubts in 1797, on the subject of legal tender. The measure then went only to stop the arrest. The question of contract applied not merely to landlord and tenant, but to every body who entered into a contract; and they who said that Parliament should not interpose, ought to be prepared to put an end to the proceedings of 1797, before Parliament separated. He had a respect for the opinion of those who differed from him, but he had a duty which he owed to the public. Whatever might be the question respecting the original introduction of the system, he believed that no man would say it was possible at once to undo all that had been done. If it must be endured, was it possible to prevent that, the prevention of which would utterly prevent any thing right on the subject from being done at a future period? As to the interposition of Parliament, he would say, that there was no debtor and creditor in the kingdom who was not affected by the transactions of 1797; whether obligee or obligor, landlord or tenant, holder of a bill of exchange or acceptor of it, wholesale or retail trader—the contracts of all were broken in upon by that Act. A man might say he would not take bank-notes—might ask "Whose image and superscription is this? Not Cæsar's certainly, but that of the Company

called the Bank of England!" Thus the remedy of the law was universally affected. Such being the case, let them see fairly what this Bill did. If the opposers of it were ready to do away all that had been done in 1797, let them come forward and say so. Then there would be a fair field for discussion and argument: but they were now, in fact, only called upon to act, as between that moment and March the 5th 1812. The noble and learned Lord here alluded to the general security of property, and adverted to the case of the ancestor of the noble Lord (Lord King's ancestor, who was Lord Chancellor), and hoped his own children's children might be as secure, after his own professional life, which had been as laborious as that of the noble Lord's ancestor. By the Act of 1797 three of the remedies were affected, but not that of distress. The stock of the tenant might be taken, but that was a mode which a landlord could hardly resort to, without prejudice to his own interests, and he might be very glad to take bank-notes at last. If his house in Bedford square was at a rent of three hundred a-year, and the rent was more than he was worth when he commenced his professional life, the law said he should not be taken by the collar, if he tendered notes. (*Hear!*) The noble Lord who said, "hear," (Lord Grenville) would not, he hoped, say that he had remedies, but that he would not tell him what his remedies were. (*Hear!*) He meant to allude to what had been said on the Catholic Question by that noble Lord, respecting his observations on the conversations he had had with Mr. Pitt on that subject, when he was told by that noble Lord that Mr. Pitt would not explain the nature of his remedies, because he (Mr. Pitt) did not like his opinions. He hoped that a similar reason would not prevent Lord Grenville from stating his remedies on the present important and complicated subject. Now, as to the meaning and intent of this Bill, no man was by it compelled to take bank-notes in any other sense than he could be said to be compelled to do so before. It went only to prevent their depreciation, for he could not believe that such depreciation existed. (*Hear!*) Whatever others believed, he hoped they would give him leave to believe in his own opinions. He had met with no man who refused to take bank-notes; but in the present state of things, he would say, that they should take care, either that a man should say he would not take bank-notes, or that if he does take them, he should take them at their nominal

value. The noble Lord (King) had made his calculations, and said he would take bank-notes at so much; that he had been looking at old contracts of 1798, 1801, and 1802, and so forth, and that he would deal with his tenants according to his calculated relative value of them. Another man might say, If my Lord King does so, I will have gold for rent on every lease I have executed, old or new: the law making no distinctions between bank-notes and guineas. This man had as good a right to do so, as the noble Lord had to act on what he called his fair rule of calculation on his notion of depreciation. Another might say, he would give but ten shillings for a pound note, and there was as much law for that. Another might say, he would give only 50*s*. for a 50*l*. note. This Bill did not go the length of making a bank-note a legal tender. If it was urged that such was its tendency, he should merely say, that its tendency decidedly admitted of an increase of the provisions of the Act of 1797. It was only within three or four days that the Judges had been persuaded to give an opinion, that money in any form, except metallic changes, did not come within the Act of Ed. VI. (*Hear! and the word "persuaded" was repeated by some Lords.*) He would repeat that word. He could not have expected that a word used under such circumstances would have been laid hold of so suddenly. Nobody could imagine that he, of all men, could mean to throw any kind of reflection upon the learned Judges, who, he was confident, would always discharge their duties with wisdom and firmness; but it should be recollected that this was a question of much discussion. (*Hear!*) Sound policy seemed to require that there should be some extensions of that Act. The great difficulties that must be created by demanding gold, or notes at a depreciation, must be obvious, first, because gold enough could not be found; secondly, because the calling for payment in a new way must embarrass the tenant, who would meet his landlord at arm's length. All the Bill said was this, if you call for rent in gold you may take it; but that while the Legislature makes bank-notes a security against arrest, it extends that principle to the protection against seizing the goods which are the means of his living. He would contend that we ought all to be put on a fair and equal footing. He would do his duty on this question as far as he had a right conception of it. Suppose he had to pay ninety pounds a-year for a house, and he had about three thousand pounds in the funds, a

case that might have been his own, or that of any young man beginning his labours in a profession; was he to be told of the justice of his being obliged to receive in bank-notes while his landlord was to be paid in gold, or those very notes which were the dividends of his little all, at a rate of depreciation? It was said that the system was defective and vicious. It might be so; but in the present state of the country, how were they to prevent it? How were they to provide for the safety of the country? He was too little informed in this extensive and complicated question, but he should not have done his duty if he had not given his opinion upon this Bill, which he did in its favour, as a temporary law.

Lord Grenville would not follow the noble and learned Lord in his observations on the Catholic Question, but come immediately to the subject before their Lordships. The noble and learned Lord had most grievously disappointed him in the hope which he cherished—most confidently cherished, from some observations in the outset of his speech, that he would have distinctly stated what would be the effect of this Bill. But after listening with the utmost attention, he still remained on that point in the most complete and total ignorance. The noble and learned Lord told what every one knew, that landlords had various remedies against tenants for the recovery of their rents; that they might proceed by the different modes of distress, ejectment, action of covenant, or debt. From the language of this Bill, he presumed it took away the remedy of distress. Now what he wanted to know distinctly from the noble and learned Lord, was in what situation the landlord would stand with regard to his tenant, when this Bill should have obtained the sanction of the Legislature? Would they still retain the remedy by ejectment, and action of debt and covenant? The noble and learned Lord has not told us, Lord Grenville continued, how they will stand in this respect, though, as I understand it, they are still to retain these remedies—but a more alarming view of the subject than that taken by the noble and learned Lord, I never before heard in any discussion upon any question. Recollect, my Lords, the effect will not stop with landlord and tenant; it will pervade every contract, every transaction of exchange in this commercial country; and, astonishing and painful as it was to me to hear the speech of the noble Lord, I am glad that he has relieved the question from the invidious

aspersions with which it had been connected—that he has admitted it to be one affecting not any particular class, but every description of persons in this great trading country. But the argument of the noble and learned Lord is this—that the system was established long ago, and that this Bill is necessary to support it. What then, according to his own description, will be its effect? He has adverted to all the enormities, to all the horrors which such a system is calculated to produce—and what is the conclusion? What must every one have expected to follow? Surely that the system ought to be abandoned. That, however, is not the noble and learned Lord's conclusion. No; but because it is destructive of every fair reciprocity in transactions between man and man—because its continuance is inconsistent with any thing like justice, in matters of contract, commercial or agricultural—because it is ruinous to the public creditor—because it completely overturns the radical and fundamental principles of exchange, and agreements of every description—you are to aggravate and extend the existing evil by making it impossible for one man—nay, for one transaction, to pass, without feeling its effects—(*Hear! hear!*) I beg your Lordships to attend to the picture which has been presented to you, of the consequences with regard to men in indigent circumstances; the noble and learned Lord has indeed, rather drawn his illustration from men in middling circumstances; and he asks whether, when he brings his commodities to market and can only get bank-notes, he is to be driven from his house because the landlord chooses to be paid in gold; but, my Lords, if we are to argue upon the admission that the evil exists, I desire to ask, where is this to stop? If the man of middling circumstances is to be driven from his house because he cannot get gold, how will it be when a further depreciation takes place, and when the same destruction overwhelms the poorest masses of the community?—When they will not only want a house, but the bread necessary to sustain existence?—Is the noble Lord ignorant that the labourer is in many cases by law confined to a particular spot?—Here, he may say, I am compelled by your laws to remain, and yet, by these laws the depreciation of bank-notes, in which alone I am paid, is such, that I cannot procure the bread necessary to sustain life from day to day!—My Lords, I am putting no speculative case. Is he so little acquainted with

what took place in France?—Does he not know that the fatal law of maximum was produced there by the very argument which he now uses—that it was acted upon for the very reasons which he now urges in support of this Bill?—And yet, he who lived at the time this transaction was passing—he who saw the dreadful consequences exemplified before his eyes—he advises a similar proceeding, and supports his advice upon similar arguments and principles! I therefore, my Lords, take up the argument in a view directly opposite to his; and if he has the charge of 25 millions of the property of his Majesty's subjects, and if the country is brought into such a situation that he is unable to guard against a loss of five millions upon that sum, a loss of full 20 per cent., I conjure your Lordships to pause now at length, since you have not done it before, when he lays before you not only what will be the effect of a continuation of the system, but what has been the consequence of your persevering in it up to this time. But the noble and learned Lord tells us, that the system must go on because it was established in 1797. Now I should like to know what was enacted in 1797. I always thought I knew till this night—till I heard his speech this night, I never thought there had been any doubt then whether or not bank-notes should be made a legal tender. He says that he was adverse to the making bank-notes a legal tender, and that he would not inquire what had been the opinions of others on that point. I understand the insinuation, my Lords; and I will tell him what was my opinion—I was decidedly against making bank-notes a legal tender. I and others were anxious that they should not be made a legal tender by any shift, means, contrivance, or upon any pretence whatever. I wish he had spoken out, and told us what he conceives the law to have done. I conceived, and I thought till this night that every man in the country could have no doubt about it, that in 1797 the law took away the power of arresting the person previous to the suit, and that only; but that every other legal remedy remained in the same full force and effect as before. There is not the least pretence that the law then made a distinction between landlords and other persons. They all, with the exception above stated, had their full remedy as before the Act. Such was the law, as I understood it—if it is otherwise, it is high time that we should understand what it is. Your Lordships cannot be

ignorant what a shock has been already given to public confidence and credit, by this Bill and by the speeches of the Ministers; but that was little compared with the effects that must be produced by the speech of the noble and learned Lord this night, unless I misunderstood him. No triumph in debate, nor any other triumph over the noble and learned Lord, would give me half the pleasure, as to hear him distinctly state, that the law with respect to the legal tender stands now as it did in the year 1796, except as to the arrest previous to the action. Instead of that, you heard him say something about giving relief in equity. I should be sorry to ask him to go any great length in giving his opinion here extra-judicially; and indeed I think he has gone far enough already; but I hope that nothing has as yet been done to make the law different from what it was intended in 1797 it should be. Now, my Lords, with respect to the proceeding of 1797, it was considered as a temporary and *necessary* act, and therefore an act of wisdom; and I think the noble and learned Lord there laid down the distinction accurately, that there ought to be no interference with private contracts, except in cases of necessity. Necessity then required the suspension, as I believed; and painful as it was to have recourse to that measure, still it was justified by the necessity, but by that only.—I am satisfied therefore that the original suspension was wise, but I do not entertain the same satisfaction at the recollection that the Act was continued. I have often said, that, on reflection, I was long since satisfied that there was no necessity for continuing the suspension till the end of the then existing war, and, of course, that the continuation was improper. I deeply regret, my Lords, that it took place, and therefore I protest against any inference being drawn from that circumstance. Noble Lords argue upon a complete fallacy, upon a total misrepresentation, when they describe the situation of the country as resting upon the Act of 1797-8. That measure extended the suspension no further than the conclusion of the then existing war. But it was continued when the necessity had ceased—when I, standing almost alone, most earnestly opposed the measures that were then pursued; and in no part of my public conduct do I exult more than in that opposition. Every shadow of necessity had vanished: the country was in a situation in point of public credit, of finance, of currency, of the rate of exchange, that

no longer required any regulation of this kind: the price of bullion, and, in short, every thing that any man had ever conceived as affecting this question, became so favourable, that it was not only advantageous, but perfectly easy to have put an end to the restriction. (*Hear! hear!*) The Act was continued first for a short time, and at last till the end of the war. When the present war broke out, it was likewise continued till the end of this war; but upon no argument that would not equally apply in the case of any war whatever; and thus, in addition to the hardships and burthens to which war necessarily subjects the country, it is to be always exposed to the additional misfortune of being enfeebled in the means by which the war must be carried on. There was not a shadow or pretence for continuing the restriction at that period. His noble friend said, that the Bank Directors came to the Ministers, beseeching them to remove the suspension. I give them credit for their conduct—I give them credit for foreseeing, not only the injury to themselves, but the mischief which the restriction must occasion to the country, if continued during the whole course of the war. There is another small observation not to be passed over; when the system is defended on the ground of the Act of 1797, consider the difference in the situation of the country. When the restriction was imposed in 1797, it was done in the firm belief that there was in reality no difference between paper and gold—and on that ground it was argued. On the same ground the continuance of it was proposed. The value of paper was equal to that of gold during no inconsiderable part of the present war, and so it might have continued even to this hour, notwithstanding the suspension, had it not been for the system of devouring waste, which it was the glory of Ministers to have produced. (*Hear! hear!*) To all the other hardships of the war, this was added, that we had Ministers who made a boast of their devouring waste and boundless profusion. This was the foundation of the present system; and when they ask, Where is the remedy? I reply, one is to depart from the system—to revert to a course of measures to which your means are adequate—to revert to the real policy of the country. After the picture given by the noble and learned Lord of the misery to which the subjects of the empire will be exposed from this system, do not waste the resources of the country in a manner unparalleled in the

annals of the nation; do not continue to squander its means at a rate which you have not the smallest hope of keeping up. Without this, any plan of relief would only vary the form of the distress. Great as were the resources of the country, a perpetual expenditure of ninety millions could not be supported. The remedy proposed in this Bill is one which I denounce as calculated to aggravate the mischief one hundred fold. The obvious means of relief is this; consider what measures brought you into this situation, and retrace them step by step. The noble and learned Lord asks, is there a man who would dare to propose that the restriction should, in the present circumstances of the country, be removed? Is he to learn, that when Government pursues an erroneous course to a great length, though the pernicious consequences may be clearly seen, yet the subject will not always admit of a sudden and total remedy? The wise plan is to go back, step by step, as you advanced; but the proposal of our present Ministers is, since they are wrong, to go on from error to error till the mischief is irretrievable. If the Ministers disavow the principle of the restriction, much may yet be done, the first thing is in their speeches here to declare, that they do not mean to persevere in this ruinous course of proceeding; next, that it is their intention to retrace their steps; and, 3dly, that they intend to examine into the means by which this country may be placed in its former situation. My own opinion is, that if you set seriously about the proper remedy, your progress will be more rapid than is generally imagined. So far am I from being liable to the imputation of having concealed my opinion as to the remedy, that I almost stood alone in advising you to retrace your steps, when it might have been done much more easily than can now be expected. This, then, is my view of the system, and the remedy. The noble and learned Lord has given a picture of the distress to which a perseverance in this system must occasion, which I am so far from combating, that I am anxious to impress upon your minds that the evil will not be confined to one particular class, but extend to every species of transaction. The question as to the power of distress, the noble and learned Lord puts in a most invidious light, and says that the object of the Bill is to relieve the tenant. Now the question of arrest for debt was lately under discussion in this House, and it was alleged then, that the power of arrest was no less useful to the debtor than

the creditor, because it facilitated transactions between man and man; for where the remedy was expeditious, and the remedy easy, the creditor would be less scrupulous about the security. Apply this reasoning to the case of distress for rent, and I ask whether this remedy is calculated solely for the benefit of the landlord?—whether, in principle, it is not advantageous to the tenant also, as the landlords are by this means induced to give leases upon conditions more favourable than they otherwise could or would do? Thus I put the case to him—but to your Lordships I put it on much broader grounds. If the remedy by distress is advantageous only to a few at the expence of many, repeal it wholly. I am sure your Lordships have sufficient patriotism to put an end to this remedy, if contrary to the general interests of the country. If it is retained, it can only be on the ground that it is beneficial on both sides; and why, then, should this gross and injurious distinction be introduced? If this Bill passes, it will go out to the country that the meaning of the Legislature is, that the bank-notes shall be a legal tender. I think, however, this Bill does not make it a legal tender, (*hear! hear!*) and always thought so, till the speech which I heard from the noble and learned Lord this night, raised some doubts in my mind. I hope he will state distinctly what it is intended to do. I hope he will not be contented with talking about delays in law—*fighting* in the Courts—and keeping at arm's length; but tell us accurately in what situation he means to leave the law as between landlord and tenant. If a landlord thinks that the bank paper is depreciated, no matter however erroneously, but if he thinks so, has he or has he not a right to say to the tenant, I will not take paper; I will be paid in gold, in the lawful money of this country, for which I stipulated? It is of great importance to your Lordships that this should be clearly understood. It is important, because the principle applies equally to all transactions. If there is a doubt whether real money can be demanded, the matter ought to be determined one way or other; but I own I have this night, for the first time in my life, heard it doubted whether bank-notes were or were not a legal tender. When an involuntary exclamation escaped me, my Lords, at one part of the noble and learned Lord's speech, it was not because I attributed to him any disrespect to the Courts; but I was astonished how a person in his situation could have described the law as he did. If the Judges could have been per-

suaded to have declared that to be law which was not, the consequence would have been that bank-notes would be a legal tender. The Government attempted to secure their object, by having recourse to obsolete Statutes—Statutes upon which a proceeding had been declined forty years ago, because they were obsolete—and they did this because they were afraid to come openly with the proposition to your Lordships. If there was any hesitation on the subject, it was more from the manner in which it was taken up, and the quarter from which the prosecution came, than from any real difficulty in the question. But though the Judges were *persuaded* to adopt this decision, the persuasion was so powerful, that unless I am misinformed they were unanimous. I have therefore the sanction of the unanimous opinion of the Judges, that bank-notes are not a legal tender; that they are not Government money; and that their tokens likewise are debased coin, not circulated under the authority of the Government, and need not be taken in payment of any debt. He thought the Bank of infinite advantage to the country, as a main pillar of our commerce and credit; but its utility depended upon its being kept distinct from the Government. His Lordship then referred to the writers and the debates on the subject, to prove that this was the view taken of it by men of the greatest abilities, and in the best times of the country.—England had been distinguished in this respect from other nations; from France, Austria, &c. whose Banks, from their connexion with their Governments, had fallen, while that of England, from its being always distinct from the Government, had flourished. At last, however, this country had the misfortune to see an endeavour to identify the Bank with the Government. The inevitable consequence would be the loss of confidence and credit. This state of things was not owing to the Bank, but to the devouring waste of Ministers, who found the system necessary to support their profusion, and therefore made the Bank an engine to support the system. His Lordship proceeded to argue that no Body Corporate could support the value of tokens estimated by a limited or debased standard. Manufacturers might, for the carrying on of their own individual trade, issue money of a smaller value, which should be again received in payment, but no private company could maintain a general debased currency. It was now, however, sought to give to this system introduced by

Ministers, not only the authority of Government, but the sanction of Parliament also. His Lordship saw, by an advertisement which had appeared in the papers of this day, that the Bank of England was now in the course of issuing debased Tokens by authority of Parliament. He was grieved to think that such a measure had been resorted to. He defied any noble Lord to shew him the smallest shadow on which Parliament could hold such an assumption of power. He denied that Parliament had any such right; and he regretted to see that it had assumed it; because, in so doing, he conceived that it was no longer governed by the old established rules by which it had hitherto been regulated, but that its proceedings had degenerated into a solemn mockery. He desired noble Lords to try this question by the test of their own judgment. It was an established law of this country, that nothing could take place of the known standard and given quality of the coin of this country; and now they were to be told that Parliament had sanctioned that that should be taken as the current coin of the country, which was one-fifth less than this standard value. If this were a new question, the solution of it might seem to be difficult, and the mode of adjustment might be doubtful. It was, however, a question of no doubt, and, indeed, was a settled point, that the issuing of debased coin, at its nominal value, was nothing short of a gross fraud and robbery on those to whom it was issued. Then, were the House prepared to say that they ought to embrace such a system? Were they prepared, with all those evils, and with all the certain workings to be produced from the measure itself, completely kept in view, to say that this must be wrong, but, as it exists, it must go on until its evils multiply on the country? He believed, as his noble friend had said, that this was not a measure which had occupied much of his attention; but that he had built his proposition principally on the individual information afforded him. It would have behoved the noble Lord, however, to have said from whom he did receive this individual information. He desired it to be recollected, that it was not the case of one or two individuals, which could produce the evils against which his noble friend wished to provide by this Bill. The present Bill went to hold, not that bank-notes are to be held in equal estimation, but that they are in equal estimation with guineas. If such should be the effect of the act, then would the case of every man be equal; but if, on the other

hand, one man chose to pay and to receive in payment bank-notes as equal to specie, and another not to esteem them in that light, then it followed that bank-notes and guineas were of different values. His noble friend seemed to think that things might differ in their value, from there being a greater or smaller demand for them. He conceived the value to be made up both of demand and of price. It was by both that the value of articles was created. He should be ashamed also to argue the question if it were not with a person of his noble friend's discerning faculties. What did the value of any thing consist in but in the estimation of mankind and in the difficulty of supply? There attaches all the difficulty—namely, in the difference between the value of gold and paper. An Emperor was not possessed of power enough to introduce a single word into a language—much less could the House of Commons expect to introduce paper into the market as bearing a mercantile price. If this was not so, how could a Court of Equity effect that which no artifice could change—make a man take less than the value for money? This was an idea which did not exist in the year 1797. Then there was no difference in value between gold and paper currency, and the circumstances did not then truly apply. He warned noble Lords against the consequences likely to result from the forcing of such a measure as the present. The consequences resulting from such a measure, always did revert with the greater force on the projectors of it, in proportion to the strength with which they wished to protect it. So their Lordships would find that the moment they gave this artificial eminence to bank paper, the more they debased it below the level it would otherwise naturally hold. That was the natural consequence to be expected—and the next step of his noble friend, if the present Bill should pass into a law, must be to prepare some measure which should have the effect of steeling the public mind against a still greater depreciation of the paper currency of the country. For, in proportion as measures like the present reduced the minds of men, they became so astute as to endure measures more and more distressing, till at length the effect lately produced in France was effected, and the whole system of terrors was exhausted to force on the people a debased currency at its established value. The natural effect of this would be, that when commodities were brought to the market, they would be sold, if gold was to be given in payment for them, and would be withheld if any

other species of payment was offered. Would not persons holding out their commodities for sale propose them to be sold at a smaller price, if to be paid for in guineas; and at a larger price, if to be paid for in bank-notes? His Lordship was not prepared to pass a law, declaring that there should be a money price and a paper price in this country as between man and man.—This, he was satisfied, must be effect of passing the present Bill into a law. If noble Lords wished to avoid this, they had only to pass a law of a *maximum*.

The Lord Chancellor explained.

Earl Stanhope said he had been misunderstood by his noble friend (Lord Grenville) as to his idea of value arising from demand. He should take, for explanation of his statement, the instance of two editions of the same book, one of them scarce and the other not; there would then be a great difference in the price, because those anxious for the rare edition would be ready to secure it at any price, there being a great difficulty in securing it, while for the more common edition, but equally valuable to any common purchaser, the price would be comparatively small. So were bank notes, at this moment, to those who were not borne away with the idea of the scarcity of guineas, and of course with their greater value. But when he heard his noble friend utter so mischievous, abominable, and impolitic a sentiment as this, that that which the public creditor was bound to take was not a legal tender to any other man whatever—If his noble friend contended, that so was the case, let him (Earl Stanhope) debate it with him; let him recall to his noble friend the high situation which he lately held—let himremind him that to a situation equally high he might again speedily be raised, and then, let him ask his noble friend, if from a person holding a situation of that importance in the country such language as this was or ought to be expected? That the requiring men to receive payment in such a mode as that to which he had referred, was a gross fraud and robbery on the country!—He (Lord Stanhope) contended that this was most mischievous to be entertained; the more so, as coming from a person who had been one of the Ministers of the country at the very time the Act which produced the supposed fraud and robbery was passed. In such a case he asked to be the advocate of his noble friend against himself, and, as such, he contended that the whole dilemma arose from the mischievous idea that

paying in the weight of guineas was paying in guineas. He did not contend that it was not absurd to say, that, when guineas rose above their nominal value, it was improper that they should be melted, or that it was improper that they should be exported. He had no share in the making of any such laws. He had always contended that it was not the weight in gold which gave the standard to guineas, but the stamp with which they were impressed. He had spent nine years of his life in the little respectable Republic of Geneva. There the gold coin was pistoles, and the silver coin was that of Spain. The watch-makers were then in the use of turning every pistole which came into their hands into the crucible, for the purpose of converting them into cases of watches. It was discovered, however, that in these pistoles there was an ingredient which did not suit the purpose to which they were so converted. There was, as a component part of these pistoles, a powder called emery; but no sooner was this discovered, than the pistole ceased to be put into the crucible; the watch-maker would no longer purchase it. A chemist, however, soon found out the means of extracting from the pistole this powder, when the pistole again grew into repute, and was as much sought after as ever, for the purpose of being turned into the crucible. Was there a doubt then, if the Continent was opened to this country, but that gold should return into the country? This was not to be expected while the balance of trade and the balance of payments was against this country. An increase of our manufactures would naturally produce an increase of our bullion. Noble Lords talked of the depreciation of the paper currency. He did not admit that there was any such. He did not pretend to say that this might not be the case; but he denied that it was so at present. He agreed that a depreciation of paper currency might very well arise, as, for instance in the assignats of France, as he had mentioned in his letter to the Lord Chancellor. These representatives of a circulating medium were said even to have been forged in this country, and there was little doubt, that, from whatever cause they arose, France was deluged with them. He did not, however, accuse Ministers of having encouraged the forging of them. The cause of this depreciation was, that there were there no book-entries as he proposed. The relation between the two things would not then be changed. The bank-notes would stand as against corn or sheep; or, supposing that there

was no money, there would then be a barter of one against the other. The positions of the noble Lords, therefore, on this subject were all founded on error, or mistake. He had pricked up his ears with great expectation, in hopes of hearing the promised remedy of his noble friend (Lord Grenville), but he had thought it all ended in a long parenthesis. At length came out a recommendation to get out step by step, and this, too, from measures, of which his noble friend himself was one of the advisers; and by so doing, his noble friend thought the House would make a most rapid progress. His noble friend claimed great credit for his patriotism. He (Lord Stanhope) was inclined to allow him for it to its full extent; and for this reason, because his noble friend, and those who went with him, commonly agreed with him (Lord Stanhope). Here, however, he thought they resembled a set of merchants, who wished to sell their 21*s.* for 27*s.* and yet to say that they did so as patriots, and purely for the good of their country. He had been a good deal astonished at what had fallen on a former evening from a noble Earl (Grey), when he supposed a time when the country would be under an impossibility to perform its engagements. It was, no doubt, very alarming to be told that a time might come when public credit might be affected, and still more to be told this by persons likely at some future day to become Ministers of the country. This was an event which ought never to be suppposed, as it ought never to occur.

Earl Grey wished to put the noble Earl in mind that the expressions he had made use of on a former evening were made under certain qualifications, which were essential to a proper understanding of them. No person could state more highly than he had done the obligation of faith and justice towards the public creditors. He had merely stated, that if ever the time should come, and it was impossible not to deprecate that calamity—if ever there should exist any danger that this country would not adhere to good faith of every description, it would be in consequence of the measures of the noble Lord. It was proper to give his statement as he himself had made it.

Earl Stanhope said there was no need for the noble Earl to add any thing on the subject. According to any definition, the impossibility which the noble Earl had supposed, was a thing which was impossible. There was no case in which the engagements to the public creditor ought not

to be performed. He would even go to the depreciation which the noble Earl had supposed, of 90 per cent.; and here he wished their Lordships to observe, that what was due to the public creditor was only a proportion of the national wealth; but whatever it was, still he was entitled to that proportion. He himself had no money in the funds, his whole property was in land; but they had to remember that their estates was a part of the national wealth. The public creditor was the mortgagee on these lands, and they were the mortgagers; and they had not a right to one farthing of the revenue of their estates so long as the public creditor should remain unpaid. He would suppose an industrious carpenter who by fifty years of his life spent in ingenuity and hard efforts, had been able at last to accumulate one hundred pounds a year in the funds. Could any man endure the idea, that this poor man should be reduced to receive only ten pounds, while a landed proprietor should continue to receive his 30,000*l.* a year unimpaired? He had been called the advocate for farmers, and he would now be called the advocate for stockholders. Yes, he would own he was the advocate for both farmers and stockholders. He was their advocate in the same way as he had been the advocate for the Abolition of the Slave Trade, the advocate for the Catholics, and lately of the Protestant Dissenters, because of justice; and he might add, that he was a friend to the landlords themselves. A noble friend had called him the saviour of the landed proprietors; and it appeared that he was speaking this opinion of the landed proprietors themselves when he said this, as was evident from the former division on this Bill.

Lord Grenville expressed himself glad that his noble relation had then, for the first time, brought forward a charge in that House, which had, for some time before, been in general circulation, a charge which not only involved the characters of many individuals both living and dead, but what was more, which involved the character of this nation. His noble friend had told them, that the assignats of France had been counterfeited; and he had told them further, that they were counterfeited by orders of the Government of this country. He thought that his character had been better known to his noble friend, than that he should have supposed him concerned in any action of such a nature. On this subject he was able to speak, and he would venture to say that this charge was most

grossly calumnious: that it was one of the most unfounded aspersions which were ever advanced; and that he had never once harboured a thought, or participated in any one act, which would implicate him in the smallest degree in such an accusation. He would not take upon him to speak of what was done by men who acted only for themselves, and some of whom were not now living to answer for themselves; but he would say, that nothing of such a nature could have been done by the King's Ministers without his being privy to it; and he then solemnly protested in the name of Almighty God that he was innocent himself of the charge which had been so brought forward. And, in the same manner, that he was firmly persuaded, that every man who served the King during the whole course of these two calamitous wars, were equally innocent with himself.

Lord Holland thought that as the noble Earl (Stanhope) had alluded to debates on a former evening, the same forbearance would be shewn to other individuals. The whole was, indeed, but one protracted debate on the same subject. He could not help thinking that the misunderstandings which had arisen in consequence of this Bill, had produced a sort of mental earthquake in the House. He had suffered by this as well as others, and his opinions had been much misunderstood; and it would have been necessary for him, in some stage or other of the business, to attempt to set the matter right, had not his noble friend called on him at this time to do so by his reference. The whole proceeding was indeed so anomalous, that it was no wonder that misconceptions and misunderstandings should take place, and therefore this mutual leave became the more necessary—*Damus petimusque vicissim.* It was proper to consider the nature of the proceedings; and here he would say, that when the noble Earl had stated that he had advocated the cause of the abolishment of the Slave Trade, of the Catholics, and of the Protestant Dissenters, on the ground of justice, he could not but believe the noble Earl. He had heard the powers of reasoning which he had displayed in that House; and he thought he was sure they could only be the result of sincerity and conviction. But how did it happen that the noble Lords opposite who heard his reasonings on those questions, which they were unable to answer, used uniformly to say, that these reasonings were no doubt very ingenious, but they were entirely speculative; and now

when the noble Earl had introduced a Bill, which, by his own confession, was only the forerunner of a series of Bills which would go to operate a great change in the laws of this country, those noble Lords, whose maxim constantly was *principiis obsta*, who had uniformly professed their determination to oppose every thing like innovation, and who would listen to nothing but what they called practical arguments—how did it happen, he repeated, that they had now no apprehension of this speculation, but thought proper to adopt it; that they now thought proper to court one of the most dangerous innovations? The noble Lords had, it is true, had the nursing of this Bill; and by the introduction of clauses in the Committee, they had produced a very great alteration in it.—At first there was no principle in the preamble of the Bill, because the Bill had no preamble; but now since the clauses which had been moved in the Committee, the only words of the original Bill which had been retained were, "Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, no person shall receive"—This was the whole of the original Bill which they had adopted; and all the rest of the Bill was to be considered in the light of an excrescence, as a superstructure on the original. He contended that this would go to effect a material alteration in the law; because it was contrary to what had been laid down a few days ago by the Judges of the Land. And here he could not help alluding to what had fallen from a noble and learned Lord (Lord Redesdale, we suppose) on a former evening, who, though he did not now hold, had formerly held a judicial situation in the country, as to the propriety of making a Declaratory Law on this subject. He had frequently been told, that a systematic attempt had been made to bring the justice of the country into contempt—nay he had frequently heard this asserted within these walls; but if any Lords should come forward and say, that this ought to be a delaratory law, for this reason, that the Judges had unanimously said that it was not the law, what was this but giving a slap in the face to the whole Judges? What could be a more effectual measure than this to bring the Administrators of Justice of the country into contempt? —stating, that what they had a few days before unanimously

declared to be law was not law? However, if this was not a declaratory Act, he had a right to assume that it was an alteration of the law. The noble Lords maintained there was no depreciation, and at the very time they were for giving a name to the disease. The noble Earl (Stanhope) had professed his love for definitions: let us go to definitions then. Let us attempt to argue the matter closely. What was the meaning of depreciation? It meant a fall of price. And what was the meaning of price? The relation to something else. And when they say that there is no depreciation, they say notes are at par; or, in other words, they say they are equal. To what? To gold and to silver? No, no. Or to the provisions that gold or silver of the same nominal value will buy? No. Here he observed a noble Lord opposite (Lord Bathurst, we believe) shake his head, as if he meant to argue this point. He had on a former evening stated, that the increased price of provisions was occasioned by the increase of consumption being greater than the increase in production, and he said he could convince them of this, because the price of cotton and sugar had fallen. He would ask the noble Secretary of State, if corn was not the commodity of all others the least fluctuating, and which it was therefore the most proper to adopt on any estimate of this nature? Instead of corn, however, the noble Lord had chosen sugar, which those who had any experience in that commodity but too well knew was one of the most fluctuating. But the bank-note was not equal to these things. It was equal then to the legal coin? It was called so; but he would ask if it was equal to the guinea? And here he could not help taking notice of a very curious mode of proving this equality, adopted by a noble Earl (Stanhope).—He should go, he had said, with twenty guineas and with twenty-one pounds to a banker with whom he had two accounts, and he should be able to procure entries in his books for 21*l.* par for both sums. He had no doubt that if the noble Earl should go with such an intention to any banker, that the effects of the clamour would be to occasion these two entries in the manner described by him; but his answer to this was, that no man would ever think of going to a banker with guineas, when he knew that by so doing he would be robbed of one-fifth of their value. For that very reason, guineas would never appear at all, but would uniformly be lodged in the hands of Jews or Foreigners. The noble Earl had told

them that the bank-note was equal to one pound; but here again he had to ask him what was one pound? We are told that we are of such materials, that we cannot comprehend what is meant by an abstract pound—as Martinus Scriblerus could form no conception of an universal Lord Mayor. He owned he had great difficulty to abstract a Lord Mayor from his fur gown and gold chain,—nay, that the horse he saw the Lord Mayor ride upon, not a little disturbed his imagination. In the matter of abstract pounds we were equally gross. On the other hand, Crambo, to shew himself of a more penetrating genius, swore that he could frame a conception of a Lord Mayor not only without his horse, gown, and gold chain, but even without stature, feature, colour, hands, head, feet, or any body, which he, the said Crambo, supposed was the abstract of a Lord Mayor. The noble Lord had said, that it was not what could be touched and seen; but that it was still a pound. When the bank-note contained these words, "I promise to pay the sum of ——," did that mean the bank-note itself? Was that the abstract Lord Mayor? Did it not rather mean a certain quantity of gold and silver, which could not be changed? His noble friend had said, that this was all sporting about nothing; and indeed he could hardly conceive such variance between them without also supposing some accidental difference of terms; but that the noble Lord on the woolsack, whose acute mind had foreseen all the consequences of this measure, should, believing as he did, say that no evil existed, was, he owned, what he could not well comprehend. Whether they were to call this evil by the name of depreciation, or by that of a rise in the price of commodities, it did not signify. The true way of proceeding was first to discover the cause of the evil. He was ready indeed to admit, that the phenomena might be produced by a variety of causes; but still he was persuaded, from what he had learned from experience and study, that the chief and primary cause was the non-payment of cash at the Bank. As far as he had been informed, wherever the circulation of paper was not convertible into cash, the same phenomena had uniformly taken place; the gold had disappeared, and every article had increased in value. And, on the other side, it was as evident, that previous to a suspension of cash payments, such phenomena never appeared before, except in the case of a debased metal, or forced paper currency. He knew that the noble Lords opposite

did not feel well on this subject of a debased metal currency. His noble friend (Earl Stanhope) had stated this to be an abominable doctrine; but this was a question of fact; and before the noble Earl had so violently attacked the doctrine as abominable, he would have done well to have explained what he meant by debased coin; because in his opinion this epithet applied in a particular manner to the Bank tokens. With respect to the cash payment of the Bank, he thought indeed, that the only effectual way of effecting this, would be by an immediate payment. This was his bias; but those to whose superior abilities and information he paid the highest deference had maintained, that the immediate resumption of payments would be attended with great difficulties. Now, however, he thought that the *omission* of every thing which might have a tendency to bring back the cash payments was culpable. But what was it, if, not content with not taking any step to bring about the resumption of payments, any thing should be done which should have a contrary tendency? His noble Friend had said, that there was not a sufficient quantity of cash in the whole country; but he would ask him if there was a sufficient quantity of cash in 1796? He meant to say, was there then sufficient gold in the country for the conversion of the bank-paper into cash? But when there was confidence in the country, gold was seldom or never demanded, and that argument, therefore, fell to the ground. All he wanted to establish was, that gold should be paid when demanded, or, in other words, that paper should be convertible into cash. And here he could not help noticing a very strange view which his noble friend (Earl Stanhope) had taken of the public creditor, and the *argumentum ad hominem* he had made use of. He had supposed, and here his Lordship described most pathetically, the hard situation of a man whose whole dependance was on the preservation of the public credit. But let us look a little closer to the compassion and humanity of his Lordship. He said that it was hard that this man should have only ten pounds for his hundred, while the landlord should continue to have the whole hundred; or, for his Lordship is very liberal with the landlord, while he should continue to have his thirty thousand pounds. But what is hard? He is only paid his ten pounds.—But if his Lordship supported bank-notes, which might come down to a shilling, he might have the satisfaction to see thirty thousand pounds reduced in value

to thirty thousand shillings. Here this man would have, it is true, a small annuity of ninety pounds, and it was extremely hard, if such a depreciation should take place, that it would be so little as not to enable him to buy the necessary provisions; but it would be but a small satisfaction to him to see another person involved in the same distress. What was the remedy for all these inconveniencies? The convertibility of paper into gold. With regard to another point, the carrying on of the present war, it had been triumphantly observed by a noble Secretary of State (Earl Liverpool), that it was impossible to carry on the war on the Peninsula without a continuance of the present system; that every man who wished to overturn that system, was an enemy to the prosecution of the war in the Peninsula; and that every man who supported the system was friendly to the war. He, for one, thought the contest in the Peninsula one which ought to be continued as long as it was possible to continue it consistently with the safety and honour of the country. We were called on by every principle of honour to prosecute the contest; but though this was his opinion, he could not subscribe to the other opinion, which he professed he did not understand, that the suspension of cash payments was necessary for the prosecution of the war. If this was a necessary part of our policy, it would in itself constitute an objection to that war; but he did not understand how it could at all be understood as such. He knew no way by which the keeping up the depreciation of the currency of the country could support the war but by the defrauding of the public creditor. He could understand well enough the policy of issuing assignats. He recollected being told by one well versed in that matter, long before the great depreciation, that they would serve their turn—that they would pay their armies in the mean time. But he would ask, if this was what Ministers understood by supporting the war? Here was first a declaration of, I am a most honest man! and then a turning round, and recommencing that system of legislation which will make the creditor not worth one farthing. Was that the assistance which was wanted? He had heard of facilities in the raising of money; but they had never been explained sufficiently to him; and he could not but perceive, that what they gained on the one hand, they more than lost on the other, by the additional expence of these expeditions to the Continent. His Lordship then went into a plan of his own,

as a remedy to the evil, which he meant to propose in the way of a rider to the Bill. He understood the great evil would consist in the certain inconveniencies attending immediate payment; but he was convinced the Bank proprietors and stockholders had a clear interest in maintaining the present state of things, and that, therefore, if they were to fix a particular period, two years or ten years for the resumption of cash payments, it would be a mere *brutum fulmen*, and the same difficulties would then remain to be got over, which subsisted at present. He knew no way, therefore, of effecting this object, but by making it the interest of the Bank themselves to agree to the resumption. He wished to prevent the Bank from deriving any profit from their issues of tokens and dollars. He thought it was but fair that they should derive no additional profit from that state of things. He did not, however, wish to take from the Bank the profits which they should make, or to interfere with private bankers in their concerns; but if they had been protected so long by you, it was but fair that they should not be permitted to divide the additional profits taken under that protection. The provision which he meant to propose then, was to prevent the Bank from paying any dividends greater than a certain sum, which he had left blank, because some might be of opinion that it might be proper to revert to the amount of the dividends in 1797, and others to those of a later period, &c.

Lord Harrowby said, that many observations had been made on the impropriety of producing this measure at so late a period of the session; but as Ministers were not the original authors of the Bill, the censure could not be fairly applied to them. When the noble Lord had first introduced the Bill, although he had supported it with arguments, and had urged considerations which were highly deserving of attention, yet he must confess he did not at first feel persuaded of the policy of adopting it. When for the last fourteen years, the instance of the noble Lord (King) was the only one in which bank-notes were refused to be taken at their nominal value, he did not perceive at first the necessity of taking so serious a step for the purpose of preventing that example from being followed. That noble Lord's motive might be good, but he conceived that there was a *lex non scripta, sed nata*, which would lead men in general to decline imitating such a conduct. However that conduct had been extolled by the friends and sup-

porters of that noble Lord, they themselves had been hitherto content with praising it. As to the question of depreciation, he agreed in the definition given by a noble Lord, that it was a fall of price, the word price being a relative term. He believed that two prices had not existed in this country prior to the recent discussions; and there was a perfect equality between gold and paper, except with a view of melting or exportation. (*Hear! hear!*) Although the Banks of Scotland issued paper, which was convertible into gold, had that paper risen to a premium above that of the Bank of England? It was not extremely logical, in his judgment, to admit, in the first instance, the operation of a variety of causes in producing a depreciation of the paper below the gold, and immediately to argue on the assumption that such a depreciation could arise only either from excess or discredit. With respect to the general rise of prices, taxes, he conceived, must be allowed to have a considerable effect. There were some, which perhaps had not that sort of tendency, such, for instance, as the Income Tax, which had, probably, a contrary effect. The increasing wealth of the country must have also greatly conduced to the general rise of prices. He held a table of prices in his hand, which, he had reason to believe, was correctly drawn up, and by which it appeared, that on the scale of the several last years, no regular proportion subsisted between the alterations in the prices of gold and of other commodities. There was one part of the question, which was generally admitted to be in the highest degree problematical, and involved a point that could not be accurately ascertained, and that was the degree in which the velocity of circulation augmented or diminished the whole amount requisite for circulation. So various and conflicting indeed were the opinions entertained, and particularly with respect to the remedy, on the whole subject, that it suggested to him the case of a patient beset by physicians, giving the most opposite prescriptions. In 1801, assertions were made that bank-notes had then depreciated; no proof was, however, adduced; and if the whole amount of currency when it consisted of gold, and paper convertible into gold, was compared with the quantity now in circulation, no presumptive, much less positive proof would be furnished of any depreciation arising from excess; and that any had taken place from discredit, had not been asserted in any quarter. Their Lordships had been told repeatedly

of the fate of the currencies of other countries, but he could not perceive the traces of any resemblance between our own system of finance and that of any other European State. He was still more astonished to hear such frequent allusions to the issue of assignats in France, as if any points of comparison could possibly be discovered between the great Corporation of this country, circulating notes on their private credit as a Mercantile Company, and the arbitrary, unbounded, and compulsory operations of a Revolutionary Government. (*Hear! hear!*) In the year 1793, that Government issued 240,000,000 in assignats, which in a subsequent year was increased to 800,000,000. This was indeed excess; but if the endeavours that were made to inculcate on the minds of the people a belief that bank-notes were nothing better than assignats in disguise, the prophecy might carry with it the means of its own fulfilment. He recollected well the numerous prophecies that had been made by many, whose names he would not now mention, but which happily furnished examples of the general failure of such predictions. It was stated by a great authority, when the Restriction Bill was first proposed in 1797, that if that measure should be adopted, the notes of the Bank would in six months be worth nothing. At that perilous and alarming period, when rebellion extended from Ireland to the Nore, that great measure was adopted by a distinguished character, and he firmly believed had accomplished the salvation of the country.—When they now considered that the war in the Peninsula, which had already proved so glorious and consoling to every Englishman, must be checked and paralysed by any alteration in the financial system, he hoped and trusted that the House would not be deterred from taking any proceeding necessary to its security and preservation.

The Earl of Lauderdale declared, that before he followed the noble Lord into his argument on the question of depreciation, or into the justice of the eulogy which he had thought proper to pronounce upon Ministers, he felt it impossible for him not to make some remarks on the sentiments and declarations of the noble and learned Lord on the woolsack. When he considered that extraordinary speech, and reflected at the same time on the situation and office of that noble Lord, he felt the highest degree of astonishment and alarm. (*Hear! hear!*) The noble and learned Lord had begun by enumerating the different modes

of proceeding by which the landlord could sue his tenant, viz. by action of debt, by action on the covenant, by ejectment, and by distress. He scarcely knew what to think of the observations which accompanied this statement, or to believe that the noble Lord had himself wished to be understood. Did he mean to say, when he talked of the duties of the Judges, that they should dare to refuse to any man the legal remedy to which he was entitled? (*Hear! hear! hear!*) Did he intend to propose that an officer should be appointed to decide in court between notes that were good and others which were forged, or to impose this as a new duty on the Judges themselves?—(*Hear! hear! hear!*) —Did he mean, he begged to ask, to counsel the Judges to refuse any landlord his ejectment, under such circumstances? He did think, after what had passed, that as they had the power, it was their duty, to take the opinions of the Judges themselves on this most momentous and interesting point? (*Hear!*) It would be worth inquiry whether, previous to 1797, the ejectment would have been stayed by a payment of bank-notes. If the doctrine of the noble and learned Lord this night were once established, bank-notes would, to every practical purpose, immediately become a legal tender. When he addressed himself to the noble and learned Lord on an important subject under debate in that House, he felt that he had a right to demand his attention (Lord Eldon appeared to be in conversation on the woolsack). It had long been a principle in legislation to avoid every thing approaching to the nature or character of an *ex-post-facto* law. Now the Bill before the House was utterly and entirely retrospective in its operation, affecting all past contracts, but not interfering with future. He would remind the noble and learned Lord of those judicial opinions which he had often uttered, and more particularly in a recent case, and desire him to reconcile them with the doctrines which he had that night promulgated. When he was so scrupulous of permitting the smallest abatement in these instances of the spirit of old contracts, how could he fairly or equitably conceive that it was the duty of his noble friend quietly to put up with an annual loss of seventeen per cent. or express his horror at the conduct which his noble friend had thought proper to pursue? The noble Secretary of State had moved that Ireland be exempted from the operation of the Bill, on the strange ground that two prices had prevailed there from time immemorial.—Sup-

posing this to be, what it evidently was not, a *correct* statement, Ireland had continued to flourish and improve with unexampled rapidity under those circumstances, which were apprehended to be certain of producing calamity to this country. But till 1797, paper was convertible in Ireland, and therefore till that period two prices could not have existed. (*Hear! hear!*) It was too a strange reason, that because the practice of extortion among landlords had long prevailed in Ireland, that therefore it should be suffered to continue, and a measure formed on the principle of preventing it in this part of the empire be withheld from her. Really this looked something like ignorance on the part of Ministers. [*A cry of hear! hear! from the Ministerial bench.*] He was not surprised that men, who had openly confessed themselves uninformed upon one of the most important and interesting parts of political science, should be desirous of running down those who had devoted a great part of their lives to its cultivation. The noble Lord who spoke last had said that many articles had fallen in value, and that sugar was to be purchased for less of paper in nominal value, than it formerly was of gold. But did he not believe, at the same time, that if gold was now offered for sugar, the difference would not be yet more apparent? Price, which was relative value, was certainly not to be estimated by a comparison of any two commodities; but where one commodity was altered in price in an equal proportion to two others, the presumption was, that it was depreciated; and if it had fallen with respect to the general sum of commodities, the proof became positive that it was so depreciated.

Lord Morton stated, that in the great northern road from Darlington to Edinburgh, of one hundred and fifty miles extent, there was no difference made between Bank of England notes and Scotch notes; if therefore, as had been stated, Scotch notes were at par, it followed that there at least Bank of England paper had not depreciated.

Lord Liverpool, supported the Bill. The arguments which had been urged against the present Bill, were rather directed against the whole system of the finance of the country for the last fourteen years, than against the measure then immediately before them, though they were two questions which, he contended, were independent of each other, as, did he even disapprove of that system, he should yet

feel it his duty to support that Bill. He looked upon it as a measure of justice to a great portion of the people of this country. The noble Lord then went into the question of depreciation of our paper currency. He did not think that depreciation had been fully made out. He thought, on the contrary, that if they compared the state of the currency with the general average of the prices of our great staple commodities, that such comparison would afford a proof that no depreciation had taken place in the articles of home growth, no rise had taken place with respect to some, others had fallen, and most remained stationary. He instanced the wool, iron, copper, and lead, as articles the prices of which had fallen. He argued further, that the extensive issue of Bank paper had been quite within the fair proportion of the revenue, which was between seventy and eighty millions, while the issue of the Bank in paper had not exceeded twenty-three millions—if their present system was to be broken up, they must begin as the very first step to recall their armies from Spain and Sicily, and retrench all the military efforts of the country throughout the world.

Earl Grey began by adverting to the doubts that seemed to prevail respecting the nature and limits of the legal enforcement of the provisions of the Bill. The noble and learned Lord upon the woolsack had not, in his mind, succeeded at all in removing those doubts. If the landholder could not distress his tenant after this Bill, were not the other ways of legal enforcement of rent open to the landlord to resort to? Did not the Bill leave the landlord all the powers unimpaired he before had of enforcing his rent, save that of distress? If a tenant be taken in execution for non-payment of rent, how does this Bill enable him to stay that execution? If this measure be adopted, they could not possibly stop there. (*Hear!*) They must go on and make bank-notes a legal tender, and enforce them as such. And how was a scheme of this sort different from that of the French assignats? Was it not in both cases forcing a paper circulation? But the most unaccountable provision of the Bill was perhaps that which excluded its operation from Ireland—(*Hear!*)—a country where payments in specie are exacted by different landlords, particularly towards the North of Ireland, every day; and there, where the practice which the Bill was intended to put a stop to was most frequent, to that country it was proposed that this Bill should not extend.—In adverting to the question

of depreciation, he confessed that he was more surprised at the mode in which the noble Lord took to prove that there was no depreciation, than he was of the opinions of the noble Lord upon that subject. The very cheapness of the articles specified by the noble Lord were proofs, rather of the mischievous effects of the orders in council, which had cut up our trade by the root, than of the paper currency not having degenerated. In concluding, he begged leave to set the noble Earl right, who had fallen into a mistake in supposing that he (Lord Grey) had retracted his opinions respecting the policy of the war in the Peninsula. What he had said was, that the successes had been greater than he had expected; but even at the time that he acknowledged this, he begged to be clearly understood as not retracting or qualifying any of his opinions respecting the impolicy of successfully coping with France single-handed, in the means of a great military establishment.

The House then divided on the original question.

For the third reading - - - -	43
Against it - - - -	16
Majority - - -	27

The Bill was then read a third time and passed.

Adjourned at half-past two.

HOUSE OF LORDS.

TUESDAY, JULY 9.

COMMISSION.

The Royal Assent was given by Commission to the Westminster Hustings Bill, the English Insolvent Debtors Bill, and a Road Bill. The Commissioners were the Lord Chancellor, Earl Camden, and Lord Walsingham.

THE KING'S HEALTH.

Earl Camden presented the Report of the Queen's Council on the state of his Majesty's health, pursuant to the Address of the House to his royal highness the Prince Regent.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, JULY 9.

GUINEAS AND BANK-NOTE BILL.

A message from the Lords informed the House, that their Lordships had passed a Bill to prevent the giving more for guineas than twenty-one shillings, or less for bank-notes than the sums expressed in them; in which they desired the concurrence of that House.

The Chancellor of the Exchequer then rose, for the purpose of moving that the Bill be now read a first time; and trusted he should meet the indulgence of the House, in stating the nature of the measure, and the circumstances which rendered it necessary to pass the Bill, even at this late period of the Session, and when the attendance must necessarily be much less numerous than could be desired upon the discussion of such a question. He had to regret that it should have so happened that a measure of this description should be brought before Parliament at a time when so many of those gentlemen who were wont to take a share in the discussion of such questions had left town. But when he considered the circumstances, not alone which called for the measure in the first instance, but which attended its progress through the other House of Parliament, he felt that it would not be to perform his duty by that House and by the public if he did not press this measure forward, for the purpose of averting those evils which otherwise might accrue to the public, before Parliament should separate. When first this measure was introduced into the other House, from a persuasion that it was impolitic to legislate upon the subject without the existence of a permanent necessity for so doing, he would own that he had felt extremely averse, however he might have approved of the principle of the Bill, that it should pass into a law. He was besides of opinion, that the circumstance which gave rise to the introduction of the measure into the other House—a circumstance within his own knowledge some days before it had been noticed elsewhere—would not have produced the mischief apprehended, nor consequently rendered the present measure actually necessary. When he stated that he did not think the Bill at first necessary, he did not mean to say, that it was because he did not think

that the noble Lord whose conduct gave rise to the measure would not act upon the principles he had avowed; but because he did not think, that, whatever different opinions might be entertained upon the bullion question, such countenance, encouragement, and support would be given to the conduct of that noble Lord (King) as would render it likely to be extensively imitated. It was on that ground only that he considered Parliamentary interference unnecessary; feeling at the same time a conviction, that all those individuals for whom that noble Lord entertained esteem and respect would, both by public recommendation and private advice, have dissuaded him from persevering in the course which he had commenced. In such a case, he thought that the noble Lord, however he might be impressed with a conviction on his own mind that he had an indisputable right to act upon the principle he had asserted, would have desisted from urging it, more particularly when he should find that his conduct had no precedent, except in the practice of Jew pedlars and smugglers. (*Hear*! *hear*!) He would repeat the assertion, that the principle upon which the noble Lord proposed to act had no precedent for the last fourteen years, during which the Bank Restriction Act had been in force, but in the practices of the description of persons to whom he had alluded. With this feeling, therefore, he was satisfied, that the noble Lord, on referring to the course he was pursuing, would have abandoned it; but at all events, that though the mischief resulting from that course being followed, might extend to the cases of some other individuals, it would not have swelled to such a size as to call for such a measure as that before the House, or require the interference of the Legislature. But when he found, on the contrary, that the noble Lord was determined to persevere, and that those who themselves neither proposed nor intended to do any such thing, not only defended and justified, but applauded and panegyrised the conduct of the noble Lord—when he found that so many individuals of great authority and following in the country—individuals who claimed for themselves and their friends a monopoly of all the virtue, talents, abilities, and statesman-like qualities in the nation—gave the weight of their sanction to such conduct, he could no longer think that the interference of Parliament was not absolutely necessary. As at first he supposed, from the opinion that the example would not be followed to any

great extent, that legislative interposition was not necessary; so, when he discovered that the principle was sanctioned and upheld in such a manner, he felt himself bound to alter his previous opinion, which was founded upon the supposition that the conduct of the noble Lord would not be so supported, and to concur in the passing of this measure. He thought it right on that occasion to state distinctly, that he did not mean to question the motives upon which that noble Lord acted. It was undoubtedly competent to any individual to insist upon any right to which by law he may be entitled; but if from the assertion of such a right, or from the probability of the example being generally followed, much and serious mischief were likely to accrue to the public, Parliament, he was prepared to contend, was bound to interfere. But whilst he disclaimed any intention to call in question the noble Lord's motives, he must say, that he could not conceive any question which, if extended beyond the sphere of the concerns of the individual, could be attended with more peril to the country at large than this question. That, then, being his opinion, it became his duty to call upon the Legislature to interfere, and prevent all that mischief to which the example of the noble Lord was likely to lead. He was aware that charges had been made against Ministers of weakness, and a want of wise counsels, in having, in the first instance, determined to resist this measure, and afterwards coming forward in its support. He had already put the House in possession of the grounds upon which he and his colleagues had resolved to oppose the measure, as also the reasons which induced them to change that determination, and adopt the Bill. For himself, he was ready to declare, that if the same circumstances were to occur over again, his conduct should be precisely what it had been. He could not conceive upon what grounds those who had supported Mr. Pitt in the Bank Restriction Act, which was intended to remedy the same inconvenience that this measure was intended to avert, could bring themselves to oppose this Bill. Neither could he have expected, that those who had opposed the Bank restriction, and upon the ground that it would go to establish two prices, could possibly have objected to this measure, the object of which was to prevent the establishment of those two prices; which must be the consequence, if the example of the noble Lord were to be generally followed. When, therefore, he became sensible

of the necessity of some measure to prevent the impending mischief, he felt it to be his duty to submit to that House a proposition for the adoption of the Bill then on the table. It appeared to him impossible that any one could oppose this measure, especially after the debates which, in a preceding part the Session, had taken place upon the subject of the Bullion Report. It was scarcely necessary for him to remind the House, that those who differed most strongly from him on the propositions then under discussion, had declared it as their opinion, that, instead of six months after the definitive treaty of peace, cash-payments should be resumed at the end of two years. (*No, observed Mr. Tierney across the table.*) The right honourable gentleman, he was aware, had voted against that Resolution; but he must still insist, that those who gave the strongest opposition to the views entertained by himself and his friends upon the subject, and for this he might refer to the honourable and learned gentleman who took so large a share in the whole proceedings, and had also been Chairman of the Committee (Mr. Horner), had contended for the removal of the restriction at the end of two years, and not before. Could that honourable and learned gentleman, then, who had supported such a proposition, oppose this Bill consistently with his own principle? Could he suffer the tenants of the country, and the stockholder, to remain for two years in the situation in which the general imitation of the example of the noble Lord would place them, without the adoption of some measure of a legislative nature for their protection? Any honourable Member who had voted for the resumption of cash-payments at the end of two years was bound in consistency to support this Bill. The right honourable gentleman (Mr. Tierney), it was true, had voted against the Resolution for taking off the Bank Restriction only at the end of two years; but he had not understood that right honourable gentleman, or any other honourable gentleman, to contend that the Bank Restriction ought to be taken off immediately. It had, indeed, been said in other places, and upon high and respectable authority, that there was abundance of gold in the country; and that consequently it would be easy at any time for the Bank to resume cash-payments. That opinion, he was aware, had been declared; but he was at a loss to know upon what grounds it had been founded. For the reverse of that opinion, as the real state of the case, he might refer gentlemen to the authority of all

those who had the best opportunities of knowing the fact, and whose opinions ought to have, as they always must have, the most weight upon questions of this description. However, then, those individuals who claimed for themselves all the abilities and talents of the nation—who looked down upon those who were not prepared to bend the knee to their superior pretensions, nor to do homage to their talents, and idolize their transcendent abilities—however such individuals, even with their eminent parts and qualifications, may be disposed to maintain the opinion, he must contend, that there was no foundation whatever for the assertion that gold was as abundant in this country at this moment as at any former period. But though this opinion might be urged, and that the Bank of England might pay in specie, still as long as it was the pleasure of the Legislature to continue the restriction on the Bank, they were bound in justice to afford protection to the public creditor. Whilst, therefore, the public creditor was compelled to receive his dividend in paper, it would be extreme injustice to suffer any other class of subjects to receive payment in another shape. To illustrate this opinion, he would suppose a man to have 6,000*l.* in the three per cents. his dividends on which would be 300*l.* a year, and also to rent a house at 300*l.* per annum; and he must contend, that it would be a most gross oppression to compel such a man to receive his dividends in notes, and to pay his rent in another form of currency at such a loss as he must sustain in procuring it. The measure then under consideration might, he was ready to admit, not sustain itself. (*Hear!*) The thing was extremely possible. Upon the principle of the Bill of 1797, bank-paper had not been made a legal tender, only because it was not necessary. Until such necessity should be manifest, he thought it better to leave the present measure as it was: but he would not deny, that it was very possible that it might be necessary to make paper a legal tender. This was the opinion of all those who were concerned in the measure of 1797, and who contemplated the subject. He had learned from the facility of access to those who were intimately acquainted with Mr. Pitt's views upon the subject, that Mr. Pitt had doubts whether paper ought not to have been made a legal tender; and it was only in consequence of the Resolutions of the bankers and merchants to take paper at par, that he had declined doing so as unnecessary. He believed it would be remembered by

an honourable Member then in his place (Mr. Alderman Combe), that he had put a question, whether, when making paper a legal tender between the Government and the public creditor, it was also his intention to make it a legal tender between individuals. Mr. Pitt declined giving any answer, and requested a delay until the Report should be made by the Committee on the credit of the Bank. Mr. Fox afterward pressed the question? and then, whether the measure would not lead to it? To all which Mr. Pitt replied, that he had no opinion on the subject. Now certainly, if he had a decided opinion that bank-paper was in no circumstances to be made a legal tender, he could not have said that he had no opinion on the subject. Mr. Pitt, unwilling to dogmatize, or unnecessarily to agitate a question so intricate and difficult, took the proper course upon the occasion, in not going farther than the necessity of the case required. Another honourable Member, who was no mean authority upon such a question, also had said, that it was impossible if the Bank Restriction should pass, to stop short of making paper a legal tender. All this tended to shew that the measure of making bank-notes a legal tender had been in contemplation ever since the passing the Act of 1797. That being the case, he could not see the grounds upon which those who supported this measure were said to be following the example of France, or why bank-notes were compared to assignats, and the utter ruin of the country predicted as the consequence. He contemplated the necessity of legislating upon this subject with regret; and he hoped that the odium attaching to the conduct which gave rise to this Bill, would prevent others from following the example, and that therefore this measure alone would be sufficient. The House, however, would derive, amidst these gloomy predictions, consolation from the reflection, that it was impossible for these opinions to be more strongly urged now than they had been in 1797. The danger of the measure was then as forcibly put as it could be at present, as it was said that an invasion of the country with such a force as the enemy might be able to bring over, would not be so great a calamity as the Bank Restriction Bill. We were said to be then, not on the verge, but on the gulph of ruin. Still the country had survived these dangers, and with a much greater measure of internal prosperity and external strength than it possessed at any former period. He was surprised that bank-notes should be compared to as-

signats, unless it were intended to create the evil that was deprecated. Could there be any resemblance between bank-notes and assignats? Within the fourteen years since the Bank Restriction, an increase of 13,000,000*l.* only had taken place in the issue of Bank of England notes, to supply the specie withdrawn from circulation. The issue of assignats in the first year in France, was twelve hundred millions of livres, equal to fifty millions sterling: in the second year it was eighteen hundred millions, equal to seventy-five millions sterling; and at the end of five years, the issue was equal to *one thousand millions* sterling. This had been the state of France; and yet it was said, that our situation, when the issue of bank-notes was not more than one-third of our annual taxes, was like that of France, where the issue of assignats was equal to double the amount of the capital of our national debt. There was not, he must contend, the least similarity between the two cases; and therefore he was persuaded, that none of those dangers which had been so pathetically described by those who took this view of the question were to be apprehended. He had thought it his duty to open thus at length the nature of the measure which had come down from the other House. It now remained for him to state what were the provisions it contained. The two first clauses contained a statement of the law, that gold coin should not pass for more than its denominated value, nor bank-notes for less than the sums expressed in them. The third clause related to distress, and was intended to give to the property of the tenant the same exemption from seizure upon tendering bank-notes, which was enjoyed in freedom from arrest by the debtor's person. This clause had been proposed in the Bank Restriction Bill, and was afterwards pressed by Mr. Wilberforce Bird, and opposed by Mr. Pitt, and supported by Mr. Fox, but rejected by the House as not necessary. What had since happened shewed that it was necessary, and therefore it was introduced into the Bill before the House. It was not thought necessary to extend the Bill to Ireland, because the practice that called for it, though new in this country, was not new in Ireland, where it had existed before the Bank Restriction Bill had passed at all. At this period of the Session, it was better to pass the Bill in its present form, and if necessary extend it in another Session. The time to which it was proposed to extend the Bill was calculated to bring the discussion on at an early period of next Session.

He was aware that an objection would be made to the interference of the Legislature, in contracts between individuals; and undoubtedly that was objectionable: but such interference had taken place in 1797, when Parliament took away from the creditor the most speedy way of recovering the debts due to him by arrest. He hoped the House would feel it necessary to extend its protection to the different classes who would be relieved by this Bill, and therefore should conclude by moving, that it be now read a first time.

On the question being put,

Mr. Abercromby said, that although it was unusual to enter much at large into any discussion upon the first reading of a Bill, yet as the right honourable gentleman had given so ample a statement, and as he was desirous of leaving the debate on the usual stage, the second reading, to his honourable friends, who would enter fully into the question, he trusted he might be permitted to make a few observations in the present instance. The right honourable gentleman, in support of a Bill which he could only consider in itself as a Bill calling on that House to be a party in committing a gross fraud upon the public; as a Bill, threatening in its consequences ruin to the established forms and institutions of the country; set out with an attack on the conduct of a noble Lord whom he was proud to call his noble friend, because he knew his private worth, and his incapacity to do any thing inconsistent with public virtue. He begged leave to ask the right honourable gentleman whether, before he heard of the intention of the noble Lord, he was ignorant that bank-notes were depreciated 20 per cent.? and, if he was not thus ignorant, what ought the House to think of a Minister, who, perfectly sensible of what it was the interest of the land-owner to do, could have intended Parliament to to separate on the supposition that the land-owner would not choose to prosecute his evident interest, and his legal right? (*Hear! hear!*) Was he ignorant of the law, and did he presume that by virtue of his office, he could oppress and intimidate any individual, who, during the recess, might venture to act upon that interest? (*Hear! hear!*) Sensible that such conduct in individuals afforded a contradiction to all their arguments, which was plain and palpable to the understandings and business of all men, they seemed to have relied on their own discretionary powers, greater than the law itself, to put down and extinguish every such attempt

among individuals. Now, indeed, when this design could be no longer entertained, the Minister came down to the House with a proposition for violating at once all subsisting contracts made antecedent to the depreciation, and to alter the whole system of our law for the preservation of the value of property. He was willing to do justice to the candour of the right honourable gentleman, who certainly had this night, with a singular frankness, professed his conversion to the code of Robespierre. (*Hear!*) It was now no longer a secret, that in the opinion of his Majesty's Government, bank-notes might eventually become a legal tender, as they would by this Bill immediately become a legal equivalent. What inducement any longer existed upon the Bank to restrain its issues? They now saw that Parliament was pledged to support them, and that the law might soon protect them in any extent of issue. (*Hear! hear!*) The right honourable gentleman seemed to think it strange that men should defend their property; but such a defence, when aided by the sanction of the law, did not appear to him to be mean, or unworthy of any person, more especially if that person was one who had watched the progress of the depreciation, and felt it to be his duty to guard himself and his family from its effects. The right honourable gentleman seemed to have forgotten that the paper-currencies of the Continent had been all issued on the credit of the Governments of the respective States. But what interest, he would ask, had the people of this country in the profits and bonusses of the Bank? (*Hear!*) That the present state of circulation was necessary to support the system of government, was precisely what was urged by the Government of France in justification of the assignats, and it was an argument which completely overlooked every principle of public honour and national faith. It was idle and fallacious to represent the stockholder's interest to be connected with a fall in the value of paper, and that he could derive any benefit from the increasing prices of commodities and the decreasing value of his property, because landed property was subject to the same sort and degree of loss. (*Hear! hear! hear!*) The right honourable gentleman had seemed to describe himself as the only legitimate representative of Mr. Pitt. He had never before heard that distinguished person, whose great qualities all admired, however destructive they might deem his measures to the public interest, accused of

any design to get rid of the national debt in the manner by which he certainly might succeed in that object, by making bank-notes a legal tender. The exception of Ireland, and the limiting the duration of the Bill, were only fresh proofs of the impropriety and danger of the expedient. How could foreigners be expected any longer to trust their property in our funds, when the returns were annually diminished? Pregnant as the Bill was with such extensive consequences, he called on all who valued not merely the interests, but the character, the credit, and the faith of the country, of Government, and of Parliament, to pause before they agreed to a measure that was nothing less than an outrageous invasion of the most sacred rights of property, and a plain avowal that the circulating medium of the country could not support itself without the aid and interference of the law.

Lord Archibald Hamilton announced it as his final determination to oppose the Bill in every stage. He complained of the absurd provisions made by one of its clauses, which went to exclude Ireland from the pretended benefits of the Bill, though the evil it professed to remedy existed to so much greater an extent in that country than in any other part of the United Kingdom. The noble Lord made several other observations, but they were not audible in the gallery.

Mr. Dent would not oppose the first reading of the Bill, as he did not object to its introduction to the House; though in its passage through, there were parts of it which he should feel it his duty strongly to object to.

Mr. Whitbread expressed his surprise, that after the very able speech of his learned friend (Mr. Abercromby) none of the right honourable gentlemen opposite should have thought it necessary to say something in answer to the objections which had been so strongly urged against their own measure, for as such he should consider it. He thought that the right honourable the Chancellor of the Exchequer had indulged in observations which were by no means warranted by the conduct of the noble Lord (King) upon whom they were intended to bear so hard. That noble Lord had done nothing more than he was justified in doing, both in law and in equity. He thought, too, that the insinuations which were so invidiously thrown out by the right honourable gentleman against another noble Lord (Grenville), were

equally inapplicable, and, considering the quarter from whence they came, peculiarly unfortunate. The right honourable gentleman had accused that noble Lord of affecting the monopoly of all the talents of the country. He (Mr. Whitbread) would not stop seriously to refute so ridiculous a charge; but when he accused that noble Lord of exacting the submission due from inferior to abler statesmen, he was charging him with a crime of which that right honourable gentleman had not long ago vainly tempted that noble Lord to be guilty. The right honourable gentleman had himself acknowledged Lord Grenville to be what he now accused him of falsely aspiring to be. He had knelt to that noble Lord—he had bowed to his acknowledged superiority, and avowed himself willing to go below him, and act under that noble Lord, as First Lord of the Treasury. The accusation, therefore, groundless as it undoubtedly was, was still more unfortunate in coming from the right honourable gentleman, who had himself given his personal testimony, that whether Lord Grenville had any such pretensions to such superiority or not, still, in the opinion of the right honourable gentleman, they were well founded. It had been said, or rather insinuated, that in the projection of the Restriction Act, Mr. Pitt had some such measure as this, or one still stronger—going even so far as to make bank-notes a legal tender—that he had then some such measure in contemplation. He could not receive the doubtful insinuations of the right honourable gentleman as greater authority than the decided testimony of Lord Grenville, the bosom-friend and counsellor of Mr. Pitt. That noble Lord had declared his belief that Mr. Pitt had never adopted the measure of restriction but as a temporary expedient; and with a magnanimity that, in his opinion, did that noble Lord immortal honour, he had expressed his regret for having supported the first extension of the Bill, when it was about to expire; and subsequently he gave the proposal for the second extension of the Restriction Act, an energetic though ineffectual opposition. The noble Lord had never approved of it originally, but as a mere temporary expedient, and now that it was meant to be made permanent, he looked upon it as a fatal measure—and what were they now going to do in passing the present Bill, to take a step which must inevitably lead to another; if they passed this Bill, what would be the next step? why, to make bank-

notes a legal tender; and when bank-notes were once a legal tender, they must then impose a *maximum* on prices.—(*Hear! hear!*) And what, he asked, was all this but treading in the footsteps of France, tracing step by step those very measures so strongly condemned by Lord Mornington in his speech in 1794, at the time when Mr. Pitt had declared France to be on the verge, if not already in the gulph of national bankruptcy; and was it to be expected that the same steps pursued under the same circumstances, should not lead to the same dreadful results in both countries? He could not help looking at the mode in which this Bill originated as somewhat singular. He would suppose that a Member of that House who had been held up by Ministers as a land-mark to be avoided with respect to the dangerous turn of his political views and sentiments, after having been resisted by that Government in every political measure he had supported—that after such long and uniform habits of difference that same Government should find their eyes suddenly opened by a measure coming from that obnoxious quarter, and that, after opposing it, they should in two days after come down and join in the support of it—whether all this was the result of ignorance or rashness, or both together, he left to the right honourable gentlemen to explain. He again adverted to the observations which had been thrown out against Lord King—the word *extorted* had been used not by the right honourable gentleman, but yet it had been used and indirectly applied to the conduct of Lord King; that noble Lord had done nothing which his own motives could not justify—from his general knowledge of that noble Lord, a knowledge of which he was proud, he believed him to be a strict honest man, and utterly incapable of the motives that had been imputed to him. Was this Bill directed against Lord King? No, say gentlemen; but its object is to support bank-paper—support bank-paper! They might as well screw up the barometer, and call it fine weather. (*Hear! hear!*) But where was the hardship or injustice of Lord King's conduct? Bank-paper was either depreciated, or it was not; if it was not, where was the hardship, and if it was, where was the injustice? (*Hear! hear!*) He would ask those gentlemen who were so loud in their censures of this conduct, if they had any lands out of lease, and if, after the passing of this Bill, they would renew su h leases on the old terms? (*Hear! hear!*) He next advert d

to that provision of the Bill, confining its operation to Great Britain solely, and asked where was the justice of the Imperial Parliament in Ireland, enacting, that a man should be transported for an act, which, if he had done in England, would have subjected him to fine and imprisonment only, and which, if done in Ireland, would have been no offence at all? (*Hear! hear!*) Or, were they weak enough to suppose, that Lord King would desist in consequence of this act? Something like an insinuation had crept abroad that the Courts of Law might in their construction of the law of the land open a door of relief to the tenant against the just and legal demands of the land-holder. Good God! in what times did they live? What must be the awful situation of the country when such shameful subterfuges could be thought of, when, in order to force a depreciated paper currency, men would take refuge in the hope that the tribunals of justice would resort to chicane, to expound the laws against themselves? (*Hear! hear!*) The right honourable gentleman ought to have known that agriculture was the basis of all national prosperity; let him well consider what will be the immediate practical effects of this Bill in restricting the grant of leases. (*Hear! hear!*) Suppose when a man came into the market with his commodity, he should say, I choose gold, and refuse to take paper; would not this establish two prices, and would not the only remedy then be, the establishment of a maximum? and would not this be the fulfilment of all the prophecies of 1797, though the right honourable gentleman had asked with such ignorant exultation, if any of these predictions were now likely to be verified? (*Hear! hear!*) At that late period of the sessions, when so many gentlemen had returned to their summer avocations, after what had already passed in that House upon the question, he had little hope of effectual resistance to the present Bill. He understood that it was the intention of the right honourable gentleman to fix the second reading for Monday next; but as that was the day on which most of the land-holders in that House would probably be occupied with the business of the Quarter Sessions then commencing, he thought it might be more advisable to fix the second reading either for some day this week before they left town, or, what might be more convenient, for Monday se'nnight. Before he sat down, he should propose, that the third Resolution of the series, so

warmly supported by the right honourable gentleman, and finally adopted by the House on the Report of the *Bullion* Committee, be now read; and after it had been read, he should like to ask those gentlemen, whether they were now of the opinion they then were, that bank-notes were not depreciated? *(Hear! hear!)* as, if they were not, where was the necessity of legislative interference to support a credit that was able to support itself? *(Hear! hear!)* He should wish to have the aid of the Bank Directors before it was passed into a law. He wished to know their opinion as to its practical effects in maintaining the credit of their paper. He concluded by adverting again to the speech of Lord Mornington in 1794, and called upon the House to bear in mind, that they were going to pursue the very same measures so violently reprobated in that speech by a noble Lord, now one of that Council which, at present, so strongly recommended their adoption. It was to be remembered, too, that, in that very speech, in contrasting the French assignats with our paper currency, it was strongly contended in favour of ours, that the French system was compulsory, and ours was not. The right honourable gentleman had come forward with a nostrum of his own, which he professed his intention ultimately to adopt, and this was no less than to make bank-notes a legal tender. He would give his decided negative even to the first reading of *this* Bill, as he would give his decided negative to the *opening* of Pandora's box, were it now shut, though unfortunately for the world it had been too long open. He concluded with moving that the Resolution of the House, declaratory of the public estimation of bank-notes, should be read, which was accordingly done.

Mr. Alexander Baring said, those who had opposed the present Bill, seemed to look upon it merely in the light of an abstract question; but the question was not whether or not generally speaking this was a desirable Bill, but whether the situation of the country was such as to render such a measure necessary. What would they propose as a remedy to the present difficulties? It was not merely enough to state that the country would be in an unfortunate situation on account of the forced paper circulation; because till Parliament should find an adequate remedy to the evil, *this* situation was absolutely necessary. The situation in which we were now placed, was no other than that in which we

had uniformly been since 1797. The circulation of the country rested on no other security, but a combination of wealthy individuals in the country; and the general good faith among individuals held the place of compulsion. He would not say whether Lord King was blameable or not in agitating the present question; but what he would say was, that nothing could be more honourable to the country at large, than that no person yet under any temptation had ventured to refuse the notes of the Bank of England. This indeed showed a high spirit of patriotism in the country at large. But if the country was aware of any individual of large landed property refusing to take these notes at their established value, the situation of things was altered. His own opinion was, that the bank-notes ought to be made a legal tender at once. *(Hear!)* He thought the simple legal tender would be more efficient than the provisions of the present Bill; but if he hesitated as to this measure at present, it was because he thought that preparatory to it some security should be taken by Parliament, that the Bank issues should not exceed a certain quantity, that the country might have something to look to. He did not believe that there was a disposition in the Bank to over-issue; he believed that their disposition lay the other way; but he thought it was not proper to leave this subject to their discretion, and that some limitation should take place by authority of this House, that the public might not be exposed to suffer from the mere will of any set of men. Another thing which, he thought, ought to take place preparatory to the legal tender, which, if not introduced in this, ought to be introduced in the next session of Parliament, was, that some pledge should be given by this House respecting the expenditure of the country, because a limitation of the issue of paper would have a tendency to embarrass the Government, if they continued to act upon their present system. *(Hear!)* There were therefore two points, which, he thought, ought to be attended to. First, that proper security should be taken against the over-issues of the Bank; and, secondly, that some measures should be taken to prevent the contraction of the issues from obstructing the wheels of Government. When he talked of the limitation of the issues, he did not mean to say that they ought to be less than the present amount, but that they ought to be limited not to exceed a certain amount. The paper currency

of the country was essentially connected with the public debt. The profuse expenditure of the country which had been going on both before and since the restriction, depended upon the restriction, and must be put a stop to if the restriction was to be put an end to. When he said this, he could not see any ground for the despondency which had gone abroad respecting the resources of the country, and that the public debt was a clog to the country. He was of a totally different opinion, and he thought that without the public debt the country could not maintain any thing like the forces which it at present maintained. The deficiency of our finances did not exceed 20 or 21 millions, and after deducting what was covered by the Sinking Fund, we had no occasion to borrow more than ten millions. Now if we could only retrench five millions from our present expenditure, and raise an additional five millions of taxes, the remainder of the deficiency would be covered by the Sinking Fund, and the future increase of the Sinking Fund might be applied towards a reduction of the national debt. Were this system adopted, and persevered in with constancy for any length of time, it would give the country a new degree of confidence. It was true that nothing but a sense of the present danger, and of the ruin which was hanging over the country, would induce the people to agree to such an increase of their burdens; but when he considered that in one year Lord Sidmouth laid on new taxes to the amount of twelve millions, he thought that this sum of ten millions might be raised, in some way or other, by retrenchment and new taxes. This Bill, he thought, would preserve the subject from all actions and ejectments, and so forth; but still, however, he thought that something of a more permanent nature should be resorted to.

Mr. Tierney declared, that he had never heard more monstrous doctrines in the course of his life, than those used by the honourable gentleman, a man so informed, as he must be on those subjects. He pitied those who had left the House, after the Bullion Report, when the Chancellor of the Exchequer told them that the question had been set at rest. The very next thing they were to hear was, that indeed the bank-note was to be made a legal tender. They had heard this, too, from two of the most suspicious characters in the world, (he meant officially,) namely, a Chancellor of the Exchequer, and a Bank Director. The

only security now for the country, was for them to step forward and save themselves, their families, and their fortunes from utter ruin. From this hour, he declared, he should view the proceedings of the Bank Directors with the utmost jealousy; and he seriously believed there was a connivance between them and the Government. They had originated this measure. He believed in his soul, if Lord Stanhope or Lord King had never lived, that it would have been brought forward. From the moment this Bill passed, the Bank of England would change entirely its former character; and the House, instead of leaving it to the discretion which had hitherto been allowed, would not only have a right, but would be bound to watch the Bank with a jealous eye; and to demand, from month to month —nay, from week to week, if it should be deemed necessary—an account of its issues of paper. It would also be requisite for the House to attend to the nature of the securities on which the Bank might think proper to rely, for the purpose of ascertaining in what its property consists. He was sorry to find the Bank seemed at present inclined to deal in that security which he thought was the worst that it could have to do with, viz. Government security—he meant the extensive traffic of the Bank in Exchequer-bills. The right hon. Gentleman, the Chancellor of the Exchequer, had in the candour of argument, for which he gave him great credit, allowed that it might perhaps be necessary in time to come to make Bank-notes a legal tender. That was, however, an event which he (Mr. Tierney) never wished to take place, especially at a crisis like the present; for, according to the present mode of procedure of the Bank, in dealing so largely as it had lately done in Exchequer-bills, if the Bank-note became a legal tender, he could see no reason why a doubt should be entertained that very shortly after Exchequer-bills must not be made a legal tender. In the present degraded state to which the right honourable gentleman (Mr. Perceval) had reduced the trade and commerce of this country, it was impossible to say what bills were good and what were bad. It was well known, that some time ago Exchequer-bills were actually at a discount; and it was reasonable to suppose that, like other bills, they would have remained so, had it not been for the fostering interference of the Bank Directors, who stepped in to prop their impending fall. The Bank had hitherto always been viewed as a medium of great relief

to the country in the article of discount, by which the merchants were enabled to carry on their commercial concerns with the greatest effect. He had alap always understood that discount was settled at a certain rate; but now the Bank desert that, and purchase Exchequer-bills to an enormous amount. There was no saying to what a degree the difference amounted, or what might be the consequences attending it. Much had been said about the depreciation of the paper of the Bank, and it had been strenuously denied by Ministers and their adherents, that there was any depreciation. This he, for one, insisted was wrong;—there was most evidently a very great depreciation in the paper currency; and if great care were not taken to prevent it, he conceived it would not be an exaggerated statement to say, that a one-pound note may become worth no more than 5*s*. It was easy to talk of making those notes a legal tender for rent or for money due; but it would be impossible to make the butcher or the baker take them for the necessary articles of life they had to dispose of; and if once a monied price came in competition with that of paper, there was no knowing what might be the consequence. The right hon. gent. might take that down if he pleased. Sorry he (Mr. T.) was to say it would be found to be a fact. He was sorry to say there existed at present a monstrous kind of connexion between the right hon. gentleman opposite, (the Chancellor of the Exchequer) and the Bank of England, which in his opinion was one grand cause of the scarcity of gold, from the advances which the Bank had been and were continually making to Government. This Bill was intended to keep the gold in the country by preventing any person from taking more for a guinea than 21*s*.; but the means of sending guineas abroad, and the inducements so to do, were so great, that it would be impossible that the Bill could have any such effect. We had daily accounts in the newspapers of vessels arriving in France, laden, as it were, with guineas. A gentleman, just returned from France, had this very day informed him that he had, the day before he left France, seen 1500*l*. in guineas and half-guineas, landed there, which had been concealed in the inside of a quarter of an ox that was hung over the stern of the ship as fresh provision, and this ship had undergone a most severe search and scrutiny by our Custom-house Officers. How ridiculous was it, then, to say that guineas should be received only at 21*s*.! To the other part of the Bill he had no objection. When it

passed there would be no other alteration than that the tenant should be put on the same footing with respect to rent that other persons were with regard to debts; and that Bank-notes should so far be a tender as to prevent a distress for rent. Nothing could, however, more clearly shew the calamitous situation of the country, than feeling it to be so sensitive that if one solitary individual entertain an opinion that he will demand the fulfilment of a partial contract, Ministers find it necessary to call on Parliament for a legislative measure of this nature. Did they think Mr. Pitt would have acted in this manner? Did they suppose he would have cheered Lord Stanhope, and resorted to such a pitiful expedient to prop the credit of Bank paper? He was sure they could not mean so great a libel on the memory of the man in whose steps they pretended to tread. He understood from the right honourable Chancellor of the Exchequer, that he meant to propose the second reading of this Bill on Monday next. At this particular period the country gentlemen, however desirous to attend, would be prevented from doing so. In his opinion, nothing could satisfy the country but a call of the House. He hoped gentlemen, when they read the Bill, would not imagine they read the whole—much more was meant than met the eye; and whatever the inconveniency of an attendance at this period of the session might be, he was convinced a great majority of the 658 members of that House would think their time well bestowed in paying attention to a Bill of such very great and extensive importance as this most unquestionably was. He thought it would also be necessary to move for a Select Committee to inquire into the state of the solvency of the Bank, as in 1797. He had no doubt but the nation would, as before, be satisfied with the Report of a Select Committee, and he was determined to move for one, as well as for a call of the House.

Mr. Manning rose to protest against the inference which had had drawn from what he said—and in answer to the charge against the Bank of a wanton and extravagant issue of notes, stated that instead of twenty-three millions, as returned to the House, the amount of notes outstanding on Saturday last did not exceed twenty-two millions. The public owed to the Bank, in the amount of its capital and in loans subsequently advanced, about nineteen millions and a half, which was little short of their issues. He begged of gentlemen to consider this, when they talked about the

solvency of the Bank. Mr. Pitt on this ground had been ready to give Parliamentary security for the notes. The public had a right to know the amount of the Bank issues, and there was no wish for concealment on that head. No less than thirty-six returns had been made to the House of the amount of these issues. They had a right to know that their security was good, and he assured the House that the surplus assets in the Bank, independent of its claims on the public, had not diminished since 1797. It would be with extreme regret that he would resort to the measure of making bank-notes a legal tender—and he regretted that there should be any necessity for this Bill. The noble Lord who had given rise to it had done much mischief, and would do himself and his family no good by his *conduct*. It was in reality like applying a razor to his own *throat*. But since this had happened, the Bill was necessary—for if the landlord demanded payment in gold from his tenant, what was to hinder the clergyman from demanding his tithes in the same manner? What was to hinder the holder of a bill of exchange also from insisting upon payment in coin? It would be impossible to carry on the most common transactions of the day, if such an example were to be followed. What would be the situation of bankers in such a case? From the manner in which the noble Lord's conduct had been *approved* and cheered (*Hear, hear, hear!*)—yes, he said, *approved* and cheered—something must be done. Legal rights ought not always to be exercised—and if the noble Lord should still persevere in proceeding with the utmost rigour, he would perhaps find difficulties in the Courts, which would prevent any unpleasant effects to the tenant who tendered bank-notes before the next Session of Parliament. He gave a reluctant consent to this Bill; but denied that the Bank Directors wished to make their notes a legal tender; and he also denied that there was any desire in the Bank to connect itself with Government, or with any particular Minister more than another: and as a proof of this latter circumstance, stated that the Bank had made larger advances while Mr. Fox was in administration, in 1782, we think he said, than at any former period.

Mr. Bankes said, that for the last fourteen years they had always been liable to such a proceeding as that adopted by the noble Lord, at the caprice of any individual, and the wonder was, perhaps, that they had gone so long

without some such inconvenience occurring; and yet they might have gone on longer, had it not been for a want of moderation in the Bank in issuing their notes. For the present unfortunate state of things—there was in his opinion, no certain cure, except in regulating those issues so as to enable the Bank to resume payments in cash. But he would not restrict them peremptorily to the period of two years. Much would be done if it were laid down that it was the duty of the Bank to look towards such a resumption, and to do all they conveniently could to limit their paper so as to bring it to an equality with coin, when payment in cash might be safely resumed. This was the more necessary, because some alarming circumstances had appeared in the course of these discussions relative to the conduct of the Directors, who had applied for the restriction in 1797. He hoped at the second reading of the Bill, that it should be distinctly stated what the law really was on this subject. The honourable gentleman who spoke last was, perhaps, not so good an authority on a point of law as on many other points—but he said that the law would prevent any unpleasant effects to the tenant tendering bank-notes, till the meeting of the next Session of Parliament. If this was so, then there really was no occasion for the present Bill, but it was most important that this point should be clearly and distinctly explained. Another point which would require consideration was, the situation in which Ireland would be placed with regard to this country.—This measure was not to be extended to Ireland, because the demand for payment in coin had long prevailed there—the circumstance which was here considered as the extreme grievance to be prevented. But there was no law to prohibit the exportation of guineas to Ireland; and if they might be legally sold there for a premium, thither they would naturally be carried, so that one part of the Bill appeared to counteract the remainder. He then expressed his astonishment that a gentleman of such authority as his honourable friend near him (Baring) should have maintained such a monstrous and extravagant doctrine, as that the national debt was a benefit to the country and not a burthen; and that the country might make as great if not greater exertions with this mill-stone about its neck than without it. He thought the writings of Dr. Smith had put an end to such quibbling on the subject of finance; certainly he never thought to have heard such assertions from one of his honourable

friend's knowledge and experience. The debt was a thing which we ought to fight against; and indeed his honourable friend himself was against its increase, for he had pointed out a method to prevent that increase, viz. that the Chancellor of the Exchequer should confine himself within a certain limited expenditure. The only objection was, that no one could well expect to see such a remedy applied. Every Chancellor of the Exchequer, no doubt, wished to keep down the expenditure as much as he could, but then he had important projects to execute which were expensive; and these always had been a facility in this country in borrowing money, and thus the debt had grown. From all the arguments he had heard on this subject, he was not certain whether any remedy at all was required against the effects of the proceeding of the noble Lord who had given the notice to his tenants; and if a remedy were necessary, he was not sure that this was the proper one. But at all events it was of the last importance, that they should be fully and clearly satisfied how the law really stood, and he trusted that an explanation on that head would be given. On a subject of this consequence, he thought a call of the House desirable, and we understood him to say he would vote for it. He did not, however, think the conduct of the noble Lord, who had been the cause of this proposed measure, worthy of approbation. He regretted very much that such a proceeding had been resorted to in the first instance by a great landed proprietor. There were circumstances in which *summum jus* was *summa injuria*.—He would reserve what he had further to say till the second reading.

Sir F. Burdett would not have trespassed on the time of the House in the present stage of the proceeding, were it not for the unjust attacks which had been made on a noble Lord for doing no more than he was entitled to, and which justice to his own family required. How could it be pretended that a landlord was not entitled to demand his rent to be paid without depreciation, at the very time when the tenant was selling the produce of his farm with reference to this very depreciation in the paper currency of the kingdom? He recollected the language, which, at the commencement of the French Revolution, was held by gentlemen on the other side of the House as to the French assignats. Their tone, however, was now completely changed, and was to be compared to nothing but what they then attributed to Robespierre and his associates, from

which the downfall of the credit of France was prognosticated. He trusted, however, that the present measure would have this good effect; it would make gentlemen at length feel in what situation they stood. Sugar-planters and West-India planters associated for their own interests on every occasion when they supposed them to be in danger. The landed interest alone seemed insensible to the dangers which threatened them, and to the advantages which were at all times taken of their remissness. He trusted they would at length be awakened, and would not wait for the period when every man in England should find that, with his pockets full of paper, he was without the means of support. We were in the situation described by an Italian poet, who, in pointing out the gates of Hell, said, that whoever passed them left hope behind. We had now approached to this point without being able to find out a remedy for the evil which menaced us. The noble Lord who had warned us of our danger, was, in his opinion, entitled to our best thanks, in the same way as he must be esteemed our friend who prevented us from leaping over while we had only a step to take before we fell into the gulf of perdition. Without a speedy remedy, we must quickly expect to see a paper price and a money price, and the evil must continue to increase till our bank-notes became like the assignats in France. How was the bank to get gold? An honourable Director had told the House that the Bank was solvent. Could it pay the demands upon it in money? No; he admitted it could not; but it could pay you in other paper. This was not to pay its creditors, but only to contract with them a debt of another kind. There was but one possible remedy, and that was to diminish the paper circulation. This the immense expenditure of the country rendered next to impossible; and no remedy seemed at all to present itself. The remedy proposed did not appear at all calculated to make things better. Suppose the landlord to take the circuitous mode of proceeding by action till he obtains judgment and the Sheriff sells—may not the landlord still say that he will not take less than the actual value, while, on the other hand, the Sheriff says that he cannot sell for more than to the amount of the Bank paper? In this way must it not still go to the Courts to determine the question of right? We could only expect to go on from one evil to another, and a greater. When Mr. Pitt originally recommended the measure of Bank restriction, that

he could be so short-sighted as not to look forward to the period when bank-notes must be made a legal tender. Was it for the landholder of England, however, to be made the scape-goat and the victim to this destructive system, which could only be propped up for a season, but could not be effectually supported? Gentlemen opposite seemed to think that sufficient unto the day was the evil thereof. The right honourable gentleman seemed even to hold out threats against the landed proprietors. He did not know if gentlemen were disposed to put up with this. He was satisfied that in that House the right honourable gentleman would carry any measure he proposed; but did not this furnish a further proof of the inadequate representation in that House? Did the right honourable gentleman suppose that this evil would stop short of the fixing a maximum of price? He was satisfied it would not. It might indeed seem to be equally dangerous to return as to go over; but there could be no doubt that the path in which we now were must lead to ruin. It must end in destruction; he did not say in the destruction of the people of the country, for a brave and free people must be immortal; but it must end in the ruin of the established system.

Mr. Creevey, observing that there were about forty Members of the Corporation of the Bank of England who had seats in that House, and being of opinion that they were not fit persons to legislate on the subject of the present *Bill*, and that too in the absence of the country gentlemen, while at the same time he was anxious to put on record a comparison of the nature of the interests of those gentlemen, and of the noble Lord (King) who had been so grossly calumniated in the present question, gave notice that he should, previous to the second reading of the Bill, submit to the House how far the persons alluded to were fit and proper persons to be allowed to vote on such an occasion.

The Chancellor of the Exchequer, in explanation, said, that he never meant to say that the Bill would probably expire on the 25th of March; and that by limiting it to that day the serious attention of Parliament must be called to the question early in the next session. The bill, originating in the House of Lords, had no penal clause, as a penalty could not be there proposed; but it was his intention to propose a clause of that sort. As to the charges that he had been supposed to make against Lord King, it must be remembered that he had given him credit for having acted

from pure motives, although he could not coincide in his views. He therefore had no intention that the terms should be at all applied to Lord King's conduct, when he said, that before this transaction there had been no instance of endeavouring to enforce payment in gold, except from pedlars or smugglers, who wanted to make an illegal use of it. It was not the observations of Gentlemen who opposed the Bill that made him change his original opinion, but it was the fact of seeing that a large collection of persons, acting as a party, felt it their duty to applaud and panegyrize Lord King's conduct, as if there had been something very patriotic in it. At the same time none of this party evinced any intention of following the example which they had praised so much.

Mr. Whitbread said, he did not know how he should have acted, if placed in Lord King's circumstances. In his part of the country, they did not usually grant such leases.

The House then divided,

For reading the Bill - - - -	64
Against it - - - - - -	19
Majority - -	45

On our re-admission into the gallery,

The Chancellor of the Exchequer was stating his reasons for fixing Monday next for the second reading. He thought that the Bill might occupy a week; but that if the second reading was put off to a later period, the attendance would be thinner.

Mr. Tierney moved as an amendment, that the House should be called over on Monday se'nnight. He did this for the purpose of shewing the country the importance which Parliament attached to the Bill.

This Amendment was supported by Mr Whitbread and Mr. Abercrombie, and opposed by the Chancellor of the Exchequer.

The House divided on the motion of the Chancellor of the Exchequer for reading the Bill a second time on Monday—

Ayes, 62. Noes, 20.—Majority, 42.

When strangers were re-admitted, we found Mr. Tierney moving that a Secret Committee should be appointed to report on the effects of the Bank Restriction in 1797.

Mr. Whitbread and Lord Folkstone approved of the motion: Mr. Baring thought it was not at present necessary.

Mr. Fuller wondered to hear any doubt of the solvency of the Bank, as it was to be supported by the solvency of Government; and Government surely had ships and stores, and plenty of valuables besides. He (Mr. Fuller) did not understand the objects of the persons who had brought forward the question, but he was convinced they were something sinister (*a laugh*). As to Bank-notes, if any landlord was offered payment in them, and he wanted gold, he (Mr. Fuller) did not know what might be done; but of this he was sure, that the whole tenantry of the country would meet and toss him in a blanket. (*laughing.*)

The House then divided, and the motion was lost by 62 to 17.

The House then adjourned to Monday.

HOUSE OF LORDS.

FRIDAY, JULY 12.

CIRCULATING MEDIUM.

Earl Stanhope observed, that the measure which the House had lately adopted respecting the Circulating Medium of the country, and which was now in the House of Commons, could only be considered as preliminary to other measures which must be resorted to, if not in this session, at any rate in the next session. A deep wound had been given to the currency of the country, to which the Bill recently adopted was by no means a plaister; or rather, it was merely a plaister to keep off the spies and wasps from the wound, until proper means could be adopted to cure it. With this view he thought it right to lose no time in stating the propositions which he conceived it would be necessary to agree to, in the form of principles, as a basis for the establishment of a circulating medium, which might be safely made a legal tender. His only object now was, that his Resolutions should lie upon the table for consideration next session. His Lordship then read a string of 15 Resolutions, the objects of which were the establishment of branches of the Bank of England, the entry of sums in the Bank books, and the transfer of them from hand to hand, and thus the creation of a circulating medium to which neither gold or silver would be necessary, and which might, under certain regulations, be safely made a legal tender, his Lordship objecting to making Bank-notes themselves a legal tender, on the ground that the most paltry engraver might

counterfeit them, and that there would be no security to the person receiving them, that they were not forged. Some words were also introduced, to declare the solvency of the Bank of England, in order to put an end to an alarm which his Lordship stated had prevailed on this head, in consequence of some observations made on a former night. His Lordship, after shortly observing upon the necessity there was for resorting to some secure mode of making a legal tender in lieu of gold, which could not be procured, moved that his Resolutions do lie on the table.

The Earl of Lauderdale was of opinion, that upon a subject of such vast importance, it would be by no means advisable for their Lordships, upon a sudden, and in so thin a House, to come even to that vote of approbation of these propositions, which would be implied in ordering them to be printed. From the little consideration he had been enabled to give the Resolutions whilst his Noble Friend was reading them, he was by no means prepared to agree in many parts of them. As to the solvency of the Bank, there was no ground whatever for the alarm which the Noble Earl had alluded to. No one had doubted the solvency of the Bank; on the contrary, those Noble Lords who had argued against the Noble Earl's Bill had expressly admitted, that from the great additional profits the Bank had made from the issue of their paper, there could be no doubt of their solvency. As to the argument of the Noble Earl, stated in his Resolutions, that gold was not necessary to a circulating medium, it was one to which he (Lord Lauderdale) was by no means prepared to agree. He thought, therefore, that the debate upon the Resolutions ought to be adjourned, in order to give time for a fuller consideration of the subject.

Earl Stanhope said, he had not yet made any motion for printing the Resolutions. His object was, that they should lie on the table for the consideration of noble Lords. He had, however, no objection to the adjournment of the debate. As to the solvency of the Bank, if no one doubted it, all that would be necessary would be for him to take out of the Resolutions the words he had inserted relative to that point. His Lordship concluded by moving, that the debate be adjourned till Tuesday.—Ordered.—Adjourned till Monday.

HOUSE OF LORDS.

MONDAY, JULY 15.

In the Appeal from the Court of Session in Scotland, "Cadell and Davies *v.* Robertson," respecting the Copyright to Burns's Poems, which stood for judgment, the Lord Chancellor delivered his opinion The Judges of the Court of Session had by a majority decided against the Copyright, on the ground that the works were not entered at Stationers' Hall. The Lord Chancellor was, however, of opinion, that the entry of a work at Stationers' Hall, was not necessary to give the author or purchaser of the copyright his civil remedies by action, injunction, or interdict against any person pirating that work, in support of the right given to the author by the Statute of Ann. That the effect of not entering the work at Stationers' Hall was, that the penalties and forfeitures imposed by that Act upon persons pirating works, could not be enforced, but that the author or purchaser of the Copyright had notwithstanding his civil remedies. His Lordship, therefore, proposed to declare this principle, and to send the cause back with this declaration to the Court of Session, that they may review their decision. This motion he intended to make to-morrow, and therefore moved to proceed further in this case to-morrow. —Ordered.

Adjourned.

HOUSE OF COMMONS.

MONDAY, JULY 15.

GOLD COIN BILL.

Mr. Perceval, the orders of the day having been read, moved that the Gold Coin Bill be now read a second time.

Mr. Eden, in a short speech, opposed the Bill. The principle of establishing a permanent paper currency, not convertible into specie, he thought a very mischievous one. If this was not the avowed principle of the Bill, it could, however, have ultimately no other tendency. They could not rest satisfied with that measure—they must then proceed to make bank-paper a legal tender. He thought it extraordinary that while honourable gentlemen were proposing the adoption of such a measure as that before the

House, they could at the same time have the confidence to contend that bank-paper was not depreciated, when there could be scarcely a stronger proof of that depreciation than the introduction of the present Bill. It was pretended that the object of this Bill was to do common justice to the public creditor. He did not think that the Bill could have that effect. It could, in fact, do very little, unless followed up by that of making bank-notes a legal tender; and even that measure would not be sufficient if Parliament did not agree to establish a *maximum* of prices, and thus they would have to run the whole race of assignats. The arguments which might have justified the passing the Restriction Act in 1797, or even those which might have had some weight in recommending the extension of that Act, were wholly inadmissible when attempted to be applied to the measure then before them; of that restriction, he did not hesitate to say, that whatever it might have been in its commencement, the effects of its prolonged continuance had been most mischievous. He asked why the Bill was not to extend to Ireland? Was it because the Jews and pedlars in that country had been too long in possession of the right of claiming what was but their legal property, to make it prudent to deprive them of it; as the Bill, however, now stood, the guineas of this country would find an open market in Ireland.—He then proceeded to vindicate the conduct of Lord King, which had been very much misrepresented. He concluded by expressing a wish, that for the sake of remedying the difficulties under which the present state of the currency laboured, that for the future, Government and the Bank would be less eager to look for opportunities of consulting their natural accommodation, and that the issue of bank-paper would be placed under proper restrictions, or that the Bank would return to payments in specie.

Mr. Herbert commented with some warmth upon the extraordinary auspices under which the present Bill had been introduced to the House, and the equally extraordinary manner in which it had been at first resisted, and finally supported by his Majesty's Ministers. A compulsory law to support public credit, was one which was enough in itself to excite very general alarm; the fickle conduct of his Majesty's Government in first opposing, and then suddenly giving all their aid in forwarding this measure, was enough almost to excuse the suspicions which had by some

persons been so unwarrantably indulged in respecting all public men.—The right honourable gentleman had told them, that if that Bill failed in doing that which he expected it would do, it would then be necessary to make bank-notes a legal tender. Those, therefore, who did not expect any thing from this measure, were to argue it with a reference to that Bill, which they were told would follow after it. It was certainly but just, that if you compel the public creditor to take that paper, you ought to protect him from the loss arising out of its depreciation; but it was necessary to show that this Bill could so protect the public creditor, before they could prove that it was necessary. He did not think that it would have any such effect; but of this he was certain, that if they were sincere in their wish to protect the public creditor from the injustice complained of, they might remove the measure that created that injustice. In alluding to the conduct of a noble Lord (King), the right honourable the Chancellor of the Exchequer had said that certain gentlemen, who had originally opposed the Restriction Act, had done so because they apprehended that it would create a double price, and yet these same persons approved of the conduct of Lord King, though so much more likely, if generally imitated, to produce that effect. To this, he (Mr. Herbert) answered, that Lord King's conduct could have had no such possible tendency, and that with respect to the apprehensions of a double price being the ultimate result of the Restriction Act, they had been proved by the event to have been but too well founded. The result of that Act had verified all the predictions which had been made by those who opposed it. There was in fact a double price, though it could not be proved conclusively from the habits of the small retailers who buy to sell again, because their views and immediate object of a slight profit upon every small article, making it of little import to them comparatively what that currency is which they receive this moment, to part with the next, at the same value. So that it was not trying the question fairly to put that case, they had so often heard of, that one man will get as much in a shop for a pound-note and a shilling, as another will for his guinea. He who was immediately affected by the depreciation of paper, was the man who lived on an income arising out of a fixed capital—and in this point of view, considering how necessary it was to call the attention of the public to the true state of the question, he thought the conduct

of Lord King highly patriotic and laudable, in bringing home the question in such a way that it must be met, that it cannot any longer be evaded. But what effects could be expected from even the bold measure of making paper a legal tender? There was, he contended, no injustice in the demand of Lord King, if made on his tenantry. But what would this do, but transfer the injustice supposed to be suffered by the tenant, in that case, really to the landlord? But how could such a law be made effectual? Suppose such a law in force; could it prevent a landholder from saying—there is my land, give me three hundred pounds in gold coin, and it is yours; or if you will pay me in paper, I'll not take less than 360*l.* In fact, they might as well expect, by the mere sound of their voice, to stop the descent of a stone falling to the ground by its own gravity. If, however, it could not do what it was intended to do, it would still, he feared, do more than enough—it would have the effect of defrauding all those who had old leases, old mortgages, and annuitants, of a great portion of their just rights; they might defraud them, but still they could not stop depreciation—they could not prevent a tradesman from saying, you may have this article for a guinea, but if I am to book it, I'll enter it at a higher price. There had been a great displeasure evinced by some, of instituting any comparison between bank-paper and assignats; but for his part, as far as related to the principle of the question before them, he saw not the slightest difference.

Mr. Calcraft was surprised to hear his honourable friend express himself as he had done in his comparison of our present currency with the French assignats. It would appear, and could be proved, from documents before them, that French assignats to the amount of 130 millions sterling had been assigned on property not sold, and that in the space of one year—(*Hear! hear!*)—and this too just after a revolution, the violence of which had not yet subsided—whereas, in this country, where the utmost faith had been kept with the public, and in times of perfect security, the issue for the same length of time did not then exceed twenty-three millions sterling. When, therefore, gentlemen could see no difference between these two opposite kinds of securities, he could only say that it showed how far the heat of controversy could carry even the most intelligent men. (*Hear!*) Every gentleman in that House must be interested in supporting the credit of the country—it was

an object dear to the hearts of all who heard him—therefore was it the more to be regretted when any thing in the warmth of discussion escaped them that might go out to the country, and have a very injurious effect upon more persons not competent to judge the question. He spoke with pain upon this subject, because it was one on which he differed from those with whom he had been in the habit of acting, and for whom he had a high regard. When he first heard of the conduct of a noble Lord, he did not think, however unfortunate the act itself appeared to him to be, that it was one which made any legislative proceeding necessary; but from what he had since heard, he did not see how they could separate without adopting some legislative measure. Of the Bill now before them, he would ask what it was to do but that upon which they had been acting for the last fourteen years? (*Hear!*) But then it had been said that if so, the Bill was unnecessary. What! after the conduct of Lord King? Well, but nobody will follow that noble Lord's example. Then, if so, where will be the severity, or alleged injustice of its operation, in compelling us to take depreciated paper? In the first, it did not so compel us; and in the next place, was the Bank paper depreciated? He, for his part, did not affect to be profound upon the question; but he wished to know if any of his honourable friends could get more for a guinea, than he could for a pound note and a shilling, in their ordinary experience of buying and selling, as far as it went He found no difficulty, whatever, in passing a bank-note, and should be at all times happy to take one in exchange for any thing he had to dispose of, or in payment of any debt due to him. Indeed, out of a certain circle of his friends who so loved to improve their understandings by talking continually on political economy, (*A laugh*) he heard nothing of that alarming depreciation of which they had heard so much within that House. The fact of depreciation he never yet had been fortunate enough to get presented to him in any tangible shape. One gentleman stated his depreciation to be 20 per cent.; another 15 per cent.; a third but ten per cent. This proved, at least, that these gentlemen were not themselves agreed about what they had fancied they all concurred in. But the great rise in the price of provisions had been insisted on. Was the annual diffusion of eighty millions throughout this country to be attended with no effects upon the rise of provisions? Was no allowance to be

made for the great increase of luxuries? The fact of the rise in prices was no proof of depreciation, but only a proof that money bought less now than it did formerly. But the Bank had been charged with an excessive issue of paper—how did that appear?—At the time of the restriction, the issue in both paper and gold amounted to 35 millions, of which 25 was gold, and the remaining 10 millions was in paper—whereas the paper issue of the Bank at present did not amount to 23 millions. Besides, whenever the Bank had made an over-issue, it always reverted and corrected itself in the course of three months, for they only discounted bills at two months; an instance of this occurred recently, when for the general benefit they made an issue of 25 millions to relieve the pressure arising at that time out of the many failures which then occurred; this issue, however, soon corrected itself and returned to the former one of 23 millions—the notes not absolutely in circulation must necessarily return to the Bank, for who would pay five per cent. for money he did not want? He admitted that this was not the best possible state of the circulating medium, but it was as good as under all the circumstances they could expect to have. In 1797 the Bank Restriction Act passed, and for twelve years after it passed, our foreign exchanges were in favour of this country; but for the last two years, from the unfortunate state of trade arising from the measure adopted to counteract those of the enemy, the balance of payments being against us, turned the exchanges against this country. But this, none of his friends would argue, was a reason why they should have done with the Bank Restriction Act and return to a golden circulation—but he (Mr. Calcraft) contended that it was impossible then to return to it. (*Hear!*) There was no free intercourse of trade to procure gold. He did not doubt that there was plenty of gold in Europe, but how were they to get at it? they could not buy gold with bank-notes. (*Hear! hear! from the Opposition benches.*) How ungratefully his friends seemed to catch at every opportunity to cry down that paper to whose bounty they owed so much of their many enjoyments—even the very clothes they wore. (*A laugh.*) It was, after all, but human nature (*A laugh.*) But he still asked how were they to get this gold? By exchanging not gold for gold, but their commodities for gold. Well then, we deal in cloth, coffee, and sugar; send them—but to whom could we consign them? His honourable friend near him, (Mr. A. Ba-

ring) was sufficient authority upon this point; who had said that if he wanted 10,000*l.* in gold, he would not know how to set about procuring it. In adverting to Lord King's notice to his tenants, he said, that when it was first known all the world were surprised, and justly so, for who could have thought of a sudden and violent departure, in a single instance, from a mode of payment that had gone on unquestioned for fourteen years before? It had been said in defence of Lord King, that his demand only related to old leases; but he would ask if there was one of those leases of Lord King's which had not been made since the passing of the Restriction Act. (*Hear! hear!*) If he was correctly informed, there was not one which had not been made since the passing of that Act. (*Hear! hear! hear!*) He would put it to the candour of every man who heard, if there was a lease made by one of them for the last fourteen years, at the time of the making of which they expected to have their rents, coming due upon it, paid in gold. (*Hear! hear! hear!*) In such a state, then, what was to be done? Why, he would tell them what must be done—they must protect the tenantry of the country. (*Hear! hear! hear!*) But suppose the noble Lord, or any other, should proceed to distrain for his rent in gold, when he brought his tenant's property to the hammer, did he expect that the buyers would pay in gold? But if the landlord could do this, if he could legally ruin his tenant, because he did not give him what it was impossible for him to procure, was it possible that any gentleman could wish to leave the tenant and his property in such a state of uncertainty? (*Hear! hear!*) But when the landlord gets all his rent in gold, admitting it were possible, what can he do with the gold? He can only either melt it, or send it to the Continent. It had been said that the Irish market would be open to our guineas. Certainly he thought that English landlords might be better employed than in levying of their tenants, their rents in gold to their loss of twenty or thirty per cent. in order to sell guineas in the Irish market. Lord King seemed, to him, in the whole of this transaction, to have preferred his reputation as an author to considerations of far more importance. The noble Lord had written upon this subject. He had foretold what did not seem likely to be realised. Well, says the noble Lord, this is too bad (*a laugh*), I can't get a practical illustration of my favourite theory, and I'll risk the

trial, myself, of making one. I'll prove to all the world that bank-notes have depreciated, and the noble Lord acted accordingly, and appeared to have forgotten the noble Lord in the author. (*A laugh; and—Hear! hear!*) Mr. Calcraft then concluded with expressing his intention to vote for the Bill.

Mr. Brougham could not see how the arguments of the honourable gentleman who had preceded him, arose out of any consideration of the present Bill, though they might have been very much in point during the discussion on the Report of the Bullion Committee. He had told them, and this was the whole amount of his argument that night, that bank-notes are not depreciated, and that a one-pound bank-note and one shilling are precisely of the same value with a guinea. Upon this showing then of the honourable gentleman, they were at present about to pass a Bill, the sole purpose of which was to force them to do what was already done to their hands. And, what was marvellous to tell, and incredible to believe, this Bill was to establish what was expressly declared by a recent Resolution of the House to be already established, by the Resolution in which it is declared, that bank-notes and gold are of equal value in the public estimation. (*Hear! hear!*) This was the true shape of the question which they were now discussing—and in considering it, it was his intention to apply himself not so much to the general question, as to the specific measure which was now brought before them. This measure was indeed a most novel and portentous attempt on the part of the public functionaries of this country, to introduce principles—though, thank God, they had not yet been able to introduce these principles into the country; but the ideas of these principles had been first mooted by them here—principles which had been adopted and acted upon by the visionaries of the French Revolution, who, by means of them, had tormented Europe and ruined France. (*Hear! hear!*) In imitation of whose conduct they were now calling on Parliament to force men in their private transactions with one another to accept of a paper currency upon certain fixed terms prescribed by the Legislature, and to over-reach one another in all bargains already entered into. This was the principle about to be introduced in the present Bill, and it was to discuss such a Bill that he now humbly submitted his sentiments to the House, that he might, at the very first time that it was pos-

sible, protest against this most dangerous innovation, and not delay his opinion till a period when he could only oppose minor objections in a Committee. His objections to the Bill were so radical, that it appeared to him impossible by any amendment, addition, or omission, to render it supportable, unless the whole clauses of the Bill were omitted, and something harmless substituted in their place. He would not imitate the conduct of those on the opposite side, in going at such length into the origin of the measure, for he had nothing to do with the origin of it. He did not believe, however, that the Bill originated in the conduct of Lord King to his tenantry; and if he wanted a proof of this, he had only to look at the history of the Bill, in which there was not one provision originally to meet this conduct, but which seemed altogether intended to supply the defect of the law—and he should wish that this deficiency in the law should long continue to exist, arising from the recent decision in the case of De Yonge and others. So that before the clause of distress had been introduced, the Bill went merely to free the currency of the Bank from suffering by transactions which the Judges had declared not to be illegal; but afterwards, when a handle occurred, when the Bill came through the ordinary tactics of the right honourable gentleman (the Chancellor of the Exchequer), it was applied by him to serve his party purposes, and, as usual, he had endeavoured to throw on his adversaries the odium of a conduct which was necessarily forced upon them by his own measures. (*Hear! hear!*) At this after period of the Bill, a clause was introduced to meet the case alluded to; but whether that clause would be effectual or not, was what they were now deciding on. This enactment, providing a remedy for distress, without some new measure, would still be found ineffectual. It could do no good, and was only strong enough to do mischief. It would interfere with private contracts; it would enable debtors to defraud their creditors; but as to affording any protection to those whom it was its intention to save, it would be found as inefficacious as before. Any person in the situation attempted to be struck at in the Bill was still at perfect liberty, notwithstanding this enactment. He could yet, as had been *this* night stated by an honourable gentleman (Mr. Herbert), export his guineas to Ireland; for there was no law to prohibit him from doing this; and there effecting a sale of

them for bank-paper, he would obtain their real and not their nominal value. By then purchasing bills of exchange, he could easily remit their produce to this country; and thus, by one single link of a circuit, he would be enabled to obtain their value. The framers of this Bill had altogether overlooked this circumstance, which would render it still more completely inefficacious. What could the Bill effect, but merely take away from Lord King one of the various remedies which he possessed against the effects of the fraudulent conduct of the Directors of the Bank of England? He had no business with that person, but as he had been alluded to in that House, he could not help expressing his applause of his conduct (*Hear!*) He would, in the face of those who were the least charitably disposed towards that noble Lord, express his admiration of his talents, his virtues, and his accomplishments; but with all these feelings towards that noble Lord, his case was altogether out of the question, and had nothing to do with the present Bill, not more than the private affairs of his honourable friend below him (Mr. Calcraft, we believe). What was done, he would ask, by the present Bill, but to deprive the landlord of this one remedy? He could still proceed to eject the tenant. He had only to bring his ejectment according to the common form of proceeding which was usual on the non-payment of a half-year's rent, by which he would recover his lease. Was not that a sufficient remedy, when he could force the tenant either to pay him in gold or to give him possession of his lease? And would he not make the new tenant pay as much as was paid by the old tenant? All other creditors were in exactly the same situation; for this Bill did not pretend to relieve them. There were a number of persons in this country who, having borrowed the funds of the widows and the orphans, and others in similar situations, were as much entitled to the protection of the laws as the tenantry; but they might be compelled to pay the capital and the periodical interest on that capital in the very same manner in which they could have been obliged to pay it had this Act never passed. He would suppose payment to be refused by a debtor of the interest due to the creditor, in the lawful coin of the realm, and the creditor to obtain a judgment on that refusal; on that judgment he was as much entitled to seize the person of the debtor, to take his goods in execution, or to quarter him-

self on his land, as if this Bill had never passed. It was true he had heard that vague insinuations had been thrown out on this subject; that certain persons in high judicial situations had not scrupled to entertain contrary opinions; that they had avowed an intention to look to all the malpractices of the Courts of Law for a remedy; and that if all the chicanery of the Common Law Courts should fail, it would still be afforded in the Courts of Equity. (*Hear! hear!*) Such a libel on the justice of the country he had never before heard, nor did he believe that any thing so flagrant had hitherto come before the public. (*Hear! hear!*) Nothing like this declaration was ever before made to Englishmen. It was in vain to seek the rolls of Parliament for any thing similar—for neither in turbulent or corrupted times would any thing be found like a precedent. If such infractions of private faith were to be perpetrated under the sanction of the law, in God's name, let the business be done by the Legislature at once. (*Hear! hear!*) Deeply as he should deplore the passing of such a Bill, he would still more deeply deplore that time when no law should be made, but when the Judges of the land should think proper to step forward between parties, and become a third party to the portentous firm which was entered into in 1797 between the Government and the Bank Directors. That this firm should receive an addition from the Judges of the land was such an idea, that he shuddered to think that he might ever live to see that day. (*Hear! hear!*) He hoped that those consolations which had been held out to those whom this Bill was meant to protect were vague indeed; and he trusted to see better things from those Judges who had been so traduced. If they should ever come to truckle, if they should bend to this base association, they would not long have to boast of those just judgments, out of which the measure now before the House has distinctly arisen. (*Hear!*) The framers of this Bill must not trust to the Courts of Westminster-hall or to the Courts of Equity. The former he knew too would not support their doctrine, and the latter dared not support it. (*Hear! hear!*) They must look to some other remedy than this; and what other remedy there was but to make the bank-note at once a legal tender, he really could not conceive. Indeed, it had been admitted from a certain quarter, that this measure would be inefficacious, and that recourse must ultimately be had to the extension of the legal tender. If they were at once to enact

this, he would allow that all those objections which he had now urged against the Bill would be done away. He would admit that this would be a measure of efficacy, to make the bank-note at once a legal tender. But what efficacy? It would be very far from an efficacy in the sense in which it is understood by the framers of this Bill, and might indeed be dreadful. It would be efficacious as to all past contracts, all existing contracts. It would allow the parties to get off from the real terms of the contract; it would enable every debtor so far to get relieved of what he owed to his creditor; and to this extent the remedy would be good. The creditor would be defrauded of his just right, and, among others, the public creditor would be deeply injured; because, in the first instance, the Legislature enacted, by the 37th of the King, that the public creditor should be paid in bank-paper only. The public creditor, therefore, on receiving a certain sum from the Treasury would, it is true, no longer be liable to be applied to by his landlord for payment in any other than Bank currency; and so far he would admit that this remedy would be efficacious; but it could only be efficacious with respect to certain creditors of his, to whom he would only pay the same currency which the Government paid to him. A tenant of a house, for example, who was at the same time a public creditor, would be entitled to pay one of the 800*l.* which he had received from Government as the dividend on his stock, to his landlord for his stipulated rent; but what would be the consequence when the lease was out?—A very pathetic case had been made out, and their feelings had been attempted to be roused in behalf of a man who had been long toiling for his bread, and who in his declining years had been receiving from the public only three hundred pounds, of which a hard-hearted landlord would go at once to deprive him—and so forth.—But he would wave the consideration of an existing lease, he would suppose a new lease, or he would suppose him engaged in the transactions of buying or selling—Would he in this case be one iota the better for this efficacious remedy? Would he not be obliged to pay an increased rent for his new lease, and an increased price for every new purchase? Would not the butcher and baker, on the very morrow after the passing of such a Bill, at once raise their prices? Nay, would the landlord look to Parliament? All would give him but one answer—No—No. You are now protected by this Act of Parliament; we must now demand

more from you than when it was in our power to have the sum demanded by us paid in gold; we will not take so little now as we would have done formerly; by that Act the case is completely changed; the laws have been altered in your favour; and in consequence of that Act of Parliament we must receive an additional sum to make up for our loss. It is absolutely nugatory therefore to talk of benefiting the public creditor by any such legislative enactment. It would be merely sufficient towards all sums already owing, to all existing contracts—it would apply only to the case of the widow and the orphan, and those persons who were incapable of protecting themselves, but who had always hitherto been protected and favourably considered by the laws. All of them must now be obliged to receive their annuities in a depreciated currency—and while new prices would be asked for every article they should want, they would be entitled to ask no more than the Bank currency. Such a Bill could have no effect in preventing the effect of depreciation in future engagements—the butcher and baker would not be satisfied without an additional portion of the depreciated currency; and if this pretended relief should be given, the House might lay their account with a still farther depreciation. It could only by possibility affect past contracts. It was possible, however, to add a clause by which all future contracts should be void if an increased sum was taken in notes, compared with what would be taken in gold, and for this clause they had some precedents; they had precedents in the Usury law of this country; and they had another precedent in one of the Revolutionary laws of France, which perhaps they would not think fit to resort to. But even this measure would be found as inefficacious in the end as the others. It would, indeed, enable them to get rid of the condition, but they would also get rid of the contract itself.—It would prevent the landlord from introducing such a clause in his lease, but then the landlord would make no lease whatever. Here they would have the House of Commons destroying at once all tenancy by lease. So that they must go a step still farther, and that would be the last step; but it was so like the former, that he could wish to see it manfully avowed at once—and that was the establishment of a *maximum*, by which they would attain their object at once. (*Hear! hear!*)—He would ask whether there was any Minister of this country bold enough or blind enough to flatter himself that he could

do more than what others had in similar circumstances, in other countries; though, when he considered who were at the head of the affairs of this country, he did not know what was too bold or too foolish not to be adopted by them —but would any Minister be bold enough or blind enough to plunge the country headlong into all the horrors of famine and internal confusion? (*Hear!*) For against these all their scattered armies and navies would be unable to protect them. On this subject he should be able to speak with some certainty, when he should come to hear some of the defenders of the conduct of Ministers in the future discussion of this Bill. When once they adopt the rest, they must legitimate this also, to the eventual ruin of its author, and the ruin of the land. It was now twenty-two years since the commencement of an event which had eventually proved so fatal to the liberties of mankind, the French Revolution, which, beginning as in this case, with insidious pretences of protection to the tenant, and to the peasant, ended in the subversion of all law and order. (*Hear! hear!*) The maxim in the mouths of the men of that day was, "war to the palace and peace to the cottage." War was, indeed, declared to the palace, and it was destroyed, or filled with alien inhabitants; but instead of peace to the cottage being the result, it had ended in a most merciless conscription. (*Hear! hear!*) If by any way, more appropriately than another, it was possible to keep the anniversary of this Revolution, it was by this insidious cry which they were raising against Lord King in the country; it was impossible, by any other measures, to recall those recollections in a more forcible manner to their minds; but here he would wish the House to call to mind if there was any thing so detestable, so revolting to English feelings, in the whole progress of that Revolution, as the interference with private property—as the interference with private contracts—as the forced loans which were imposed—and, what was worst of all, the forced paper currency, and the denunciation of vengeance on the heads of all those who were not disposed to receive it. (*Hear! hear!*) It was this conduct which principally, and first, excited the horror against the French Revolution in all good minds; and it was this which, in this commercial country, we were called on in a particular manner not to imitate, that we may avoid falling into similar embarrassment. When he said commercial country, he did not mean to say that if the country

were not commercial, such a line of conduct would be the less dangerous. If such was the view entertained of such measures in a country like France, where commerce was comparatively of so little moment, what must be their effect in this great mercantile, manufacturing, and trading country,—where so great a part of our resources consisted in our trade, and in the good faith between man and man, which were not only useful, but essential? He knew well that the common answer to all these arguments was, the question of what remedy would you propose? This was not a sufficient answer; for if a measure were proposed to him, he was bound as a Member of Parliament to exercise his judgment on it; and if he should see that the measure would prove fatal, was it necessary for him to hold his peace till he could substitute some other measure in its place? Must he not prevent a measure which he considered deleterious, because he had no measure of his own to put in its place? *(Hear!)* Had he only stated, therefore, his own arguments against the Bill, he would have done, he conceived, all which it was necessary for him to do, and he was not called on to do more; but he would proceed to state what he conceived would be a proper substitute to this Bill, and that was, neither more nor less than to allow that state of things to take place which the present Bill was intended to prevent, the establishment of double prices in the country. When these double prices should be universally known to exist, legalized as they had been by the decisions in the cases of De Yonge and Wright, an establishment of prices would take place, not one fixed by law, but establishing itself, and suitable to the state of our paper currency, and equally applicable to the past or future state of that currency. People would take care to see themselves fairly paid, and they would be obliged to pay others in the same ratio. The advantages of such a state of things were incalculable. He should be told that this was the very consequence which was so much dreaded in 1797. No doubt this was a state of things to be dreaded in 1797, because the evil had not then taken place, and it would then no doubt be looked on in the light of a disease, because, before the depreciation of paper, compared with gold, had taken place, the *agio* on one of them had not also taken place. But since the evil had taken place, and since the Restriction Act had been followed by depreciation, this was the only remedy to the disease. In the first place there would be no

difficulty of finding gold, as had been argued on the other side. Here he did not wish to disturb the bullion question, that was now completely at repose. (*Hear!*) Only he was bound to advert to what had been stated that night by an honourable Member (Mr. Calcraft) as to the impossibility of finding gold. To this he would answer, that as often as guineas were wanted they would be had, when those who wanted them would pay the value in notes for them. It would not be necessary that a man should go about with one pocket filled with notes and the other filled with gold. There were a number of occasions when paper would answer the purpose wanted equally with gold; but if it should be necessary to have gold on any one occasion, it would easily be had. It would be as easy for others to have it as it was for De Yonge, Wright, and all those who trafficked in gold, either by evading or by acting under the law, to have it by selling the one commodity for the other. How did it happen that we were able to procure a much more bulky commodity from abroad, the wines of France? (*Hear! hear!*) Could not the barrel which brought claret to this country, bring as easily an equal quantity of gold?—(*Hear! hear!*)—Here he was sorry to interrupt the agreeable feelings of the right honourable gentleman over the way (the Chancellor of the Exchequer); but notwithstanding the smile which he saw playing upon his countenance, as if he had detected some absurdity, he would not yet give up his point. He did not mean to say that they would be able to get gold for nothing—not even for bank-notes. (*A laugh.*) Was it not as easy as to send to Bourdeaux money or money's worth? And could they not send over in like manner for gold? This he saw would form another part of the right honourable gentleman's speech. He would be told by the right honourable gentleman, that gold might be sent over for claret; but how were they to send over gold for gold? He was sorry to spoil what would, no doubt, be a fine epigrammatic turn in his speech, by insinuating to him, that for this claret we must either send over gold, or bills of exchange, and that, otherwise, we could not only not have gold, but also not any claret;—(*A laugh*)—with this difference, that the one was a much smaller commodity than the other, and might be much more easily concealed from the Custom-house officers. It would not be necessary to send to Bourdeaux for gold: for had we not all the mines of South America open to us? This way of reasoning of the

gentlemen opposite was really treating those on the other side as if they had neither sense to understand the general question, nor the particular question before them. There was another view which might be taken of this remedy, and that was, that it would be a constant test of the depreciation of the paper currency; that it would hold up to the country, to the Bank Directors, and to Parliament, a test to discover the state of the depreciation; that it would be a pulse by which the state of the circulation of the body might be determined; that it would exhibit the actual price of paper for the day, and the rate at which it was convertible into gold; that this paper would be seen by it at one time at 15*s.* 10*d.* and at another time still further down, perhaps to 14*s.* and so forth. When the depreciation had once got so far, he would take it upon him to say that there was very little danger of the depreciation going farther. The Bank would soon draw in their issues. In a short time the bank-note would gradually get up to 19*s.* and from thence to par—and when it had once reached 19*s.* not only the Bank, but Parliament, nay even the most timid theorist on the opposite benches would then see the necessity for the Parliament to repeal the Act of the 37th of the King. He had no doubt that the very first step then would be the repeal of the Restriction Act, and that the Bank would pay in specie if they were allowed—because the Bank had stated the violence which was done to their gentle natures and to their credit and dealings by this measure. (*A laugh.*) When Parliament should have once repealed this Act, and the Bank should not have refused to issue money at par, the country would then be restored to the state of things which existed before this ill-advised measure of Mr. Pitt's Administration. This would be the natural remedy to the present state of things; and he would venture to say, that the present Bill would not prevent the necessity of that remedy. But there was still another mode of proceeding, though he should not wish that his former arguments should hinge on this proposition; for whatever should be decided with respect to it, the former part of his arguments on this question would not in one iota be affected. This remedy would, he had no doubt, be a happy circumstance for the Bank themselves. The object of it was to secure all the surplus of their profits above their present dvidends, and to prevent them going on in their present system of bonusses, by which their stock had risen from 230 to 280, and even

to 290. But while he stated this, he did not wish to interfere in any way with these unfair gains of the Bank, for so they must be called—he wished rather that these gains should be at their own disposal, or at the disposal of a Parliamentary Committee. All that he wished for was, that these gains should not be increased in the mean time by bonusses; but so soon as the specie should have returned to the country, this property would be open, as well as the rest of their property, to the Bank. None of these profits would, at the restoration of a right order of things, be grudged them. The theory of the gentlemen on the opposite side was, that the rise of prices was the consequence of the taxes and the loans, and the national debt. Whether this was a correct view of the case, he would not stop to inquire, though he believed it had no earthly foundation, but was one of the wildest fancies that had ever entered human imagination. But if they themselves were really persuaded that they were in the right, he would point out to them a speedy and easy way of relief. Take two hundred millions from the national debt at once, reduce the dividends in proportion, and take off, as you might do from twelve to thirteen millions of taxes. Suppose the dividend of a public creditor 100*l.* and that, by the proposed operation it was reduced to 50*l.* If there was any truth in the theory of these gentlemen, prices would then tumble down, and the creditor would be able with his 50*l.* to command nearly as ample a portion of commodities as he could before with his 100*l.* while he, at the same time, retained his taxes in his pocket. Here, then, was a plan of relief worthy of this sagacious theory! If there was any truth in it, the creditor receiving 50*l.* under these circumstances, would be in a condition as good as if he continued to receive his 100*l.* without the advantage of this scheme—while all the rest of the community would be benefited by the amount of their share of the taxes, and the diminution of prices. Could there be a better, or a more easy way of getting rid of our embarrassments, if there was any thing in the arguments of the gentlemen opposite? (*Hear! hear!*) But though they pressed the argument into their service, they would not perhaps accept the result; but why would they not? Unless they shewed him a good reason why, he had a right to demand of them, on their own doctrine, to have recourse to this obvious remedy. If they refused to do

this, then he had a right to say, that themselves were convinced that their theory was unsound, or that they were mere speculatists—the wildest of wild metaphysicians, laying down vague and idle doctrines, which they themselves were afraid to carry to any practical conclusion. He did not think, however, that any such measure would be resorted to, at least during the present session. With all the boldness of the right honourable gentleman (Mr Perceval) in meeting the dangers of other men—with all his boldness in resisting other men's distresses, yet even he would hardly have the boldness and the blindness to do that which the arrogant mind of his predecessor never contemplated. (*Hear! hear! hear! from the Ministerial benches.*) He meant Mr. Pitt But this Bill, he contended, was really as great an encroachment on the rights of the creditor, as the measure which he had laid before them. It was not in France only that the example of thus defrauding creditors was to be found. The history of the coinage of foreign countries, the situation of Frederick the Second of Prussia was the most similar to our own. Like us he found himself assailed by a host of enemies, and after the partition of Poland—a measure hardly matched even by our Danish expedition—he thought it expedient to have recourse to some not very honourable means of discharging his obligations to the public creditor. Having no bank to apply to, he adopted the Jewish scheme of debasing the standard of the coin. This plan, more effectual for its object than even the present Bill, answered his purpose. He discharged his obligation to his creditors, and gave all private debtors the same advantage. The coin assumed a variety of colours, from the purest gold, till the base copper at length began to appear, and then he made his debased coin a legal tender. In all future contracts, prices, of course, rose to an extraordinary height. This scheme of the King of Prussia, he had said, was more efficacious than this Bill. He had no difficulty in getting rid of the government debts, and creditors, public and private, were effectually defrauded. So far it was as good as the Bill, and it was better, for its purpose, because in that case the trick was not discovered for a year or two. There was all the difference, therefore, that existed between open and secret fraud or violence. In this manner were the most profligate principles and practices transplanted into this country. He spoke without the usual exaggeration of

debate, God knew, when he talked of the shameless profligacy of this measure—when he declared that he felt for the character of the country—for the character of British law, the name and title of which this Bill was about to assume. He trusted, however, that the honourable gentleman would receive a warning from another quarter, not to go beyond the brink of destruction; but if he should be one of those blind and foolish people, whom experience alone could teach, he should augur ill of this country, and of the reign under which such proceedings were endured.

Mr. Milnes observed, that the honourable gentleman had gone into so much general matter, and filled his speech with so many reproaches against Ministers, with so many alledged charges against Judges, together with a plan for winding up the national debt at one stroke, that it would be wandering from the question to pretend to follow him. Before the decision of the Judges in the cases of De Yonge and Wright, it had been imagined that the traffic in guineas was illegal, in the manner it had been carried on by those persons. But as the Judges had decided that such a traffic was not illegal, he presumed the object of the present Bill was to supply the defect. He approved of it, as it shewed that the Government was resolved to try all milder measures, before they resorted to the compulsory one of making bank-notes a legal tender. While they received these notes in payment of taxes, they were resolved not to allow any individuals to take them at a depreciated rate. And as to the high price of bullion, that was the consequence not of depreciation, but of the embarrassed state of the country. If they did not at once resort to the legal tender, it was only because they imagined the evil would stop here. If the example of the noble Lord who had demanded his rents in gold were followed, the legal tender must be adopted. When suspicion was abroad; when the tenantry and yeomanry were imprisoned—in that convulsed state of things, this measure must be resorted to. The Bill he thought highly useful, even in its present shape; but still it might, in some respects, be altered and modified with advantage. There were two cases upon which it was intended to operate; first, upon bargains and sales, which were completed at once; and next upon standing contracts. He understood that a case had happened, where a man bought some land from another for 400*l.* and paid down 100*l.* of the price. When the purchaser had built upon

the premises, and otherwise improved them, the vendor demanded the other 300*l.* in cash. This was most unjust, and such frauds ought to be prevented. He should propose, therefore, that there should be a provision in the Bill, requiring that those who intended to demand guineas in payment, in any bargain, should give public notice beforehand of their intention. As to the case of a subsisting lease, there might be more difficulty in finding a remedy against undue demands: but he had two remarks to make on that part of the subject—first, that whatever rule the noble Lord (King) adopted with regard to others, he ought not to object to its being applied to himself; and 2d, that the State was as entire and perfect as the persons of whom it was composed. It followed that the payments of the noble Lord to the State ought to be made in the same way as he himself exacted payments from others. Upon the noble Lord's own scheme, he, in nine taxes out of ten, did not contribute fairly to the public. He was aware that the bank-notes had been made a legal tender to the tax-gatherer; but it had never been in the contemplation of Mr. Pitt, or of the Legislature, that the revenue should be deteriorated. As the Property Tax was imposed *ad valorem*, the contribution there would be fair enough; but in Assessed Taxes, in Excise and Customs, the noble Lord upon his own plan did not contribute fairly. How did he pay for his servants, his horses and carriages? How did he pay the duties upon the chief articles of consumption, his salt, his coals, and candles? How did he pay his wine and malt duties? In a depreciated currency. And upon what ground could he claim an advantage which he refused to others? None of these taxes were paid according to a fair proportion upon the noble Lord's own scheme. Where then would be the injustice with regard to the noble Lord, if the Chancellor of the Exchequer were to calculate the depreciation of the taxes, and compel his Lordship to contribute according to the real value? He should like, therefore, to see an enactment compelling every landlord who demanded his rent in guineas, to pay his taxes in guineas. Taxes amounting at present to forty millions might by this means be raised to fifty millions; and he would ask those who where loudest in praise of the noble Lord's conduct, whether, if this expedient were adopted, there would not speedily be an end to the cry of depreciation? He should be glad, then, that every land-

lord demanding guineas should be obliged to pay to the State in guineas. The noble Lord himself could not object to this plan, and it would be as easy in practice as just in principle. It would be safe and satisfactory, however, at first to try it upon a small scale. Suppose it were enacted in the first place, that the assessed taxes should be paid in gold. He really wished to have some enactment of this kind, for every thing was to be tried before the bank-notes were made a legal tender; and this plan was highly equitable, and easy of execution. This, he apprehended, would prevent persons joining in any great numbers in this act of suicide. Why was it that the wealth of the noble Lord gave him more consideration in society, than equal wealth would do in Poland, and many other countries? The greater security of property in this country. (*Hear! hear!*) The landed property here was not only free from spoliation, to which it was subjected in other countries, but had been peculiarly favoured in comparison with other kinds of property, even in this country. The landholder had a great advantage over the annuitant—the West-India proprietor—the merchant and manufacturer, upon whose exertions the value of land itself, in a considerable degree, depended. He was grateful for the advantage he had enjoyed, and thought that a land-owner ought to be the last to sit down and make a cold calculation about depreciation. He did not mean to insinuate that the noble Lord had been actuated by any improper motive; he understood that his heart was as excellent as his attainments were high; but he had been the means of stirring up a most mischievous question; and from his high character it was to be feared that his example would have the greater effect. Did the noble Lord think that he was acting for his own interest? If he did, he was mistaken: for the interests of every description of persons of property in this country were so immediately connected, that no one could injure one species of property to any great extent without injuring the rest. The noble Lord was like the flying philosopher in Johnson's Rasselas, who, after spending his whole life in studying the laws of motion, and the wings of birds, at length made wings for himself, and, attempting to fly, was in one instant precipitated to the bottom. The observation of an older philosopher, one of the wise men of Greece, that an injury to one of the lowest members of the community was an injury to the state, deserved the attention of the

noble Lord and others. Injustice to the tenantry of the country would be an injury to the public interest; and these the House could not in equity and sound policy refuse to protect—and therefore, the Bill had his complete approbation.

Sir T. Turton stated that he had objected to the Resolutions of the Bullion Committee—1st, because he was averse to the specification of any particular time for the resumption of cash payments by the Bank; and next, because he did not believe that bank-notes were depreciated. Upon the same ground he opposed this Bill, for if it passed, the public would immediately think that there was no doubt but that the notes were actually depreciated. He was convinced the motives of the noble Lord who had been the cause of this measure, were good—but the effect of his example, if imitated, would be dangerous. The notice was the most extraordinary he had ever seen; it assumed the fact that a depreciation had taken place. But the noble Lord had no right to take that for granted. What was depreciation?—Depreciation, he apprehended, existed wherever the real value of the circulating medium was less in common estimation than its nominal value. If in the common transactions of life, a bank-note was reckoned less valuable than 20*s*. he should allow that there was a depreciation. But as to the high price of *bullion*, he thought that no proof whatever. Gold, like other commodities, would be high or low in price according as it was in greater or less abundance. Suppose wheat were at 80*s*. a quarter, and barley at 40*s*. two quarters of barley would at this rate purchase one of wheat. But suppose that from a scarcity of wheat the article rose in price, two quarters of barley would no longer purchase one of wheat; not because the barley had depreciated, but because the wheat had risen in price. The idea of Ministers at first was, that this project of the noble Lord would not be imitated; but when they found his conduct was defended by other persons of the highest consideration, they thought it necessary to pass this Bill. But had any of those persons actually imitated the example? In his opinion the Ministers should have done nothing. The noble Lord would distrain; but what would he get from the Sheriff?—Why bank-notes, for gold was not to be had. Some said there was no difficulty in procuring bullion, which might easily be converted to guineas. This would be rather a difficult

operation for farmers living the distance of a hundred and fifty miles from London; but then it was said they might refuse to sell their commodities for any thing else than gold—then they could not sell them at all. When they saw fourteen millions in specie going out of the country for corn and for our army in Portugal, could there be a doubt of the scarcity of gold? Gold, it was said, might be had from France as easily as claret; but how was the claret paid for? With guineas.—And how must the gold be paid for? With guineas.—He saw no great advantage in an operation of that kind. He knew too well the liberality of mind which belonged to the noble Lord, to think that he would proceed to extremities; but if he did, his example would not be so seductive as to be generally followed. The tenant would be protected by public opinion—and there the matter ought to have been left; but if the Ministers did any thing at all, they ought to make the bank-notes a legal tender at once, for the present Bill did not afford them protection. The effect of the present measure would be, to make people see danger where they were not conscious that any danger formerly existed; and also to establish two prices. With the view he had of the measure, he should have been of the same opinion, had he been in the House in the year 1797. Till an inconvenience arose, he saw no occasion to provide a remedy for it. The present measure, to his conception of it, would produce consequences as injurious as could well be imagined. He was sorry Ministers had not allowed matters to take their course, and suffered the noble Lord to have tried the plan he proposed—a plan which he (Sir T. Turton) was persuaded he would not have persevered in, but which, if he had attempted to go on with it, he would have found impracticable. The Bank of England, in his opinion, was perfectly solvent; and the only effect of the present measure would be to bring them into jeopardy, if not to involve them in ruin. If bank-notes were once made a legal tender, then they would be like the French assignats, and might be increased to a hundred millions, or more.

Mr. Rose replied to the last speaker. After all that they had heard, and read upon this subject, he thought it would be too much to expect, that the example which had been set by a noble Lord (Lord King) would not have found followers if no legislative provision had been made. He thought that the name of that noble Lord had been too

much introduced in this discussion. He had always heard him spoken of as an honourable and liberal man, and was perfectly convinced that his object, in the step he had taken, was by no means to oppress his tenants. At the same time there was a probability of the example being followed by men whose motives were very different, and therefore it became the duty of the House to protect the tenantry of the country from the danger to which they would be exposed by such an example being followed. A learned gentleman (Mr. Brougham) had, in the warmth of his speech, compared the tenants to fraudulent debtors. He could not see with what justice such a comparison could be made. The honourable and learned gentleman seemed to have completely forgotten, that although the farmers charged an increase of price for every thing they sold, they also paid an increase of price for every thing that they consumed; and that, therefore, if the landlords could now call upon them to pay 20*l.* per cent more than the understood agreement between them, it would clearly be so much money taken out of the tenant's pocket, for which he was not in any way indemnified. As for the remedy being very easy, he was astonished that any body could be of that opinion, when it was recollected that the Ruler of France, finding that he could neither beat us at land or by sea, directed his whole attention to attack us in our finances, and in all the sources of our commercial prosperity. No such measures had ever, in the history of the world, been resorted to, as were now practised against this country. Our exports to the Continent of Europe were stopped, our goods were seized and confiscated wherever they could be found, and the payment of the debts due to us from the Continent was also stopped. When those measures were resorted to—when the payment of the debts due to us from the Continent was stopped, and every demand which could be made by Continental merchants against this country, and every bill that they were entitled to draw, was by the indefatigable hostility of our enemy sent to this country for payment, how was it possible for us to get gold from the Continent? As for the Bank reverting to cash-payments, that was evidently impossible when gold was not to be got. It was said, however, that there was plenty of gold in South America: but how were we to buy it? It was not to be expected that they would give it to us for nothing; and it was

well known that their markets had been for a long time so completely glutted with English manufactures and merchandize, that we could not sell another bale. It was supposed by some that we might bring gold from Cadiz; but if it were possible to import 5000 tons of gold from Cadiz, a single guinea more would not be in circulation. *(Hear! hear! from the Opposition benches.)* It was certain that if there was a new coinage of them, they would be immediately melted down, or exported, and that none of them would remain in circulation. It was said, that there had been a depreciation in consequence of an over-issue; but the fact was, that the amount of the circulating medium was greater in 1798 than it is at present. At that period there was a circulation of thirty millions in gold, and above ten millions in bank-notes; whereas at present there is but a circulation of five or six millions in gold, and about twenty-three millions in bank-notes. *(Hear! hear! from the Opposition.)* He knew what the gentlemen meant by those cheers—they alluded to the country bank-notes; but it was to be recollected, that they were not only exchangeable for Bank of England notes, but that as far as the revenue was concerned, it was in Bank of England notes only that payments were made into the Exchequer. When had he heard an honourable and learned gentleman (Mr. Brougham) suppose that pipes of gold could be got from France as well as pipes of claret, he felt so much astonished, that he hardly knew whether he was awake or not. As for the claret, we, however, were obliged to pay for it in what the owners considered a fair value; but in what manner we were to pay for the gold, he could not possibly conceive. With respect to what had been so much talked of, the removal of the restriction on the Bank, or, in other words, the compelling the Bank to pay in specie, that was absolutely impossible. He would defy any man upon earth to produce any rational plan for obtaining so much gold as would be necessary for the purpose. He had heard that it was in the contemplation of the late Administration gradually to have the one and two pound notes called in. If this was their intention, they certainly had not manifested it by any expressions in Parliament during the two sessions that they were in power. With respect to the present Bill, he certainly thought, that forcing the tenantry to pay either in gold, or at a higher rate than their bargain was understood

et, would be highly oppressive, and that the wisdom of Parliament ought to guard them against such oppression. He did not care whether the present Bill originated from the notice of Lord King to his tenantry, or from the judgment of the twelve judges in the case of De Yonge. In either case the Bill appeared to him to be absolutely necessary. As to the increase of prices being occasioned by the depreciation of our paper, he must observe, that a proportional increase of prices had taken place of late years in France, Italy, and most of the countries of the Continent of Europe. In those countries they could not attribute it to depreciation of bank-paper, but they called it the depreciation of money, which was, in fact, greater than the depreciation in this country. As for getting gold for the circulating medium of this country, it was at present impossible. We had nothing to buy it with. He could not allow that there was any similitude between the French assignats and English bank-notes. The former were issued by public authority, and in whatever quantities suited the convenience of the state at the time of issuing them; whereas the English bank-notes were only issued on good bills or on loans to the Government, upon security which nobody doubted. After adducing a variety of other reasons, he concluded by supporting the Bill.

Mr. Brougham shortly explained.

Lord Folkestone said, that although he differed from the right honourable gentleman who spoke last, in the greatest part of his arguments, there were some points in which he must agree with him. He would agree with him that there was no preventing guineas from being melted or exported; and he also agreed with him in thinking, that it was utterly impossible for the Bank to resume its payments in cash. The gentlemen who had hitherto supported the Bill, had given their support on very different grounds. The Chancellor of the Exchequer recommended it as a temporary measure, and because it was likely to lead to making bank-notes a legal tender. The Deputy-Governor of the Bank (Mr. Manning) approved of the measure as likely to be permanently useful, but declared that he should resist it if he thought it would lead to making the notes a legal tender. Another Bank Director, however, opposed the principle of it for not making bank-notes a legal tender. The noble Earl, on the other hand, who was the original father of this Bill, and who had given it to Ministers to nurse for

him, disclaimed the idea of making the notes legal tender; but declared that his intention in bringing in the Bill was to lead to the adoption of a particular system, in favour of which that noble Lord is strongly prepossessed. Amidst this great confusion of motives, it was hard to ascertain what where the real grounds upon which the Bill stood. Many who utterly denied that there was any depreciation, agreed in thinking the present Bill absolutely necessary: and yet, if there had been no depreciation, and guineas and bank notes were really of the same value, he could not see how Lord King's tenants, or any other man's tenants, could complain of oppression in being asked to pay in gold, or to give so much paper as would purchase the gold. If the hardship was merely that it was impossible to get the gold, it might be answered that Lord King had not absolutely required them to find the gold, but gave them the alternative of paying in paper to such an amount as would be sufficient to buy the gold. He could not understand why the same conduct which had been long practised in Ireland, and which was not considered at all improper for Irish gentlemen, should be now considered so very improper for gentlemen of this country. With regard to strict justice, it must always be recollected, that the farmers raised the price of every thing they sold in proportion to that depreciation of paper which diminished the rent of their landlords. As to the clause in the Bill taking away from the landlord the power of distress when the tenants offered bank-notes, this was a clause to which he had no manner of objection. The landlord had still other remedies left him, and whatever delay or legal chicanery might be opposed to him, he must finally get judgment. He conceived that the Bill did not originate, as it was pretended, from the notice of Lord King, but that it was owing to the judgment given by the Judges unanimously in the case of De Yonge, a poor Jew, who had been prosecuted on an old Act, and put to very great expence. He could not avoid speaking of this case without saying, that, in his opinion, this poor man had been badly used. All the Judges had given their opinion, that the law upon which he was prosecuted did not apply to his case, and yet he was put to enormous expences. When the right honourable gentleman spoke of the circulating medium being not as great now as in 1798, and compared it with the assignats of France, it was a great error in his statement that he had not

also stated the amount of the country bank-notes, which formed so material a part of the general circulation of the country. He believed, indeed, that it was very hard to guess at the amount of paper now issued by above 700 country banks, that were absolutely unlimited in their issues, and had never been called upon to make any returns of such issues It was true that the taxes were paid into the Exchequer in Bank of England notes, but it was equally true that in the country they were generally paid, in the first instance, in country bank-notes. After reading an extract from Lord Liverpool's book upon coins, which has been already quoted, he proceeded to shew, that in the Island of Jersey there is a regular exchange against Bank of England notes. Their own notes, which are convertible at pleasure into gold, are at par, and therefore higher than the Bank of England note. The French louis is at twenty-four livres, which is the par. The English guinea is taken at its value compared with Jersey bank-notes; but the notes of the Bank of England are at twenty-one livres, which is a discount of half a crown. This shews clearly that those notes were then considered as depreciated in value. It was at first said, that nobody would follow the example of Lord King; but it was afterwards supposed, that many persons would have the same fancy; and the fancy or opinion of many people upon the subject amounted to a depreciation in the opinion of the public. He would really be anxious to know what the gentlemen on the other side would admit, in future, as proof of depreciation. They would now neither admit the price of bullion, nor the uniformly unfavourable rates of exchange, to be proofs of depreciation. He should really wish to know what they would admit to be proofs. As for preventing depreciation by laws or compulsory measures, this had been attempted both in France and America, and instead of checking the depreciation, they were found to accelerate it. It had been often repeated that every body allowed the Bank to be solvent. This was a position, however, to which he was not disposed implicitly to accede. He conceived that the Bank was not solvent in 1797, when, upon their application, the Restriction Act was passed to save them from ruin. They could not then pay their notes in gold, as they had engaged to do, nor have they ever since been able to do so. He therefore considered them insolvent in 1797, insolvent ever since, and not likely to be again solvent. It had

been stated by a certain gentleman (we believe Mr. Randall Jackson) that Government owed the Bank eighteen millions and a half; and that if they would pay them that, the remainder of their engagements could be satisfied in an hour. This appeared to him a most unfounded and fallacious statement. How was this eleven millions due to them? There was their original capital of eleven millions, which they could not pretend was due to them from the Government, until the expiration of their charter, which would not naturally expire till 1833. As to this eleven millions, then, they had no sort of claim upon Government until that period, unless they were inclined to surrender their charter. The two sums of three millions were under similar circumstances. They had been lent to the Government, as an equivalent for advantages given to the Bank, and the terms of the loan were, that it was not to be payable until the end of the war. It, therefore, appeared to him, that of this large sum of eighteen millions, they had no sort of claim upon the Government for many years. He would ask them what other means they had from which their solvency for twenty-three millions was to be collected? It appeared to him that there was not only a depreciation at present, but that this depreciation must continually increase, while the present system continued to increase our enormous national debt. The issues merely on account of the dividends were greater than the demand of the country could absorb, and therefore, as those issues were constantly increasing, the depreciation on this account must regularly increase. He must confess that he did not feel so very acutely for the stock-holders as some gentlemen professed to feel. In the first place they had much better interest for their money than the land-holders had, and therefore they were content to take an inferior security. They had their option, and they preferred a larger interest on a worse security, to a smaller income on a better. He also was more partial to the land-holders, as he thought that their interests were much more connected with the interests and honour of the nation than the interests of the stock-holders were. He remembered how the stock-holders had supported the peace of Amiens; and although he did not mean to say that they would have given up the interests of their country for their private emolument, yet, as human

nature is constituted, men are usually in an imperceptible manner biassed by their private interests. As soon as the assignats were abolished in France, the gold re-appeared, and he was convinced that the same effect would be produced in this country by the adoption of a proper system. As to the noble Earl who proposed this Bill, he could not speak of him but with great respect. He had studied many branches of philosophy, was a most excellent mechanic, and had always some project or other on foot, about which he was very anxious. A good many years ago he was very intent on a scheme for preventing guineas from being liable to "clipping or sweating." By a good deal of importunity, Mr. Pitt was prevailed upon to give directions that the experiment should be made at the Mint, and a guinea coined precisely according to the directions of Lord Stanhope. The noble Lord was perfectly satisfied with the experiment, and found that it had answered his expectation completely; but the principal officer at the Mint having received his Lordship's entire approbation, contrived to let the guinea fall on the floor, and it *broke to pieces*. (*A laugh.*) He must confess that he did apprehend some such failure in the noble Lord's present project. It might sound plausible, but when it came to be tried he feared it would be like the guinea of his coining. After some more observations, he concluded by declaring his intention of opposing the Bill.

Lord Castlereagh was desirous to follow the suggestion of the honourable and learned gentleman (*Mr. Brougham*) who spoke early in the debate, to confine the discussion to the Bill actually before the House, and upon that feeling should turn his back upon all the deliberations which had taken place upon the bullion question in a former period of the session. In stating his view upon the question, he should assume nothing but what had been sanctioned by the previous decisions of the House. He had felt a wish to follow the honourable and learned gentleman in the debate, because the ability with which the honourable Member discussed every question upon which he delivered his sentiments, facilitated the discussion of it to those who followed; and because, in admitting the existence of the evil, and the necessity of a remedy, that honourable and learned gentleman had usefully brought the question under the consideration of the House. The remedy of the honour-

able and learned gentleman was to extend to this country the practice which prevailed in a part of Ireland. He admitted that the learned gentleman had usefully brought the law between debtor and creditor into review; and argued that the present Bill did not extend to all cases. If the landlord were to levy distress, a new practical difficulty would arise, as it was not quite clear that the Sheriff, in announcing the sale, could advertise it for gold only; and if he should, whilst purchasers for gold were not to be had, that would amount to a defeasance of the equitable right of the possessors of the property distrained. The Legislature stood thus as to debtor and creditor. It had passed a law to prohibit the issue of gold by the Bank; it did not enact that the public should receive only bank-notes, but that the Bank should not issue gold; but it made paper a legal tender to the Sovereign as to all matters of revenue and tax, though not a legal tender to the public creditor *de jure*, but only *de facto*. He wished to know, then, upon what equitable principle, when the public creditor received paper at its nominal value, that paper should, in transactions between individuals, be received according to any other rate or value. He denied that bank-paper was depreciated in any sense but with respect to the rise of prices, which arose from other causes. Paper, he admitted, was not in the legal, technical, verbal sense, a legal tender; but those who passed the Restriction Act, which had done more for the happiness and prosperity of the country than any other public measure, had not had the present state of the country in their contemplation. Even Mr. Fox had defended the clause respecting distress, which was rejected in that instance only because it was not necessary. There were cases, in which it would be better to continue under moral control, than under legal restraint. He did not question the motives of the noble Lord whose conduct gave rise to this measure; but when the noble Lord defended his conduct in Parliament, even though the conduct did not extend beyond that noble Lord, it became Parliament to defend his tenantry against the practical injustice of the principle upon which he acted. The consequence of acting generally upon the principles of the noble Lord would be, that the country bankers would be compelled to stop their issues, and in that case the noble Lord would receive less rent than at present for his land. The situation of the country would resemble

that of France, having a metallic circulation without any credit between man and man, and with ruin to the commerce and manufactures of the nation. There was not the semblance of justice in the principle of Lord King's conduct. The practice in Ireland was limited to three of four counties, and if it were to be extended, gold, instead of being at a premium of fifteen per cent. would soon be at one hundred. This Bill was not to be looked upon as perfect, but as containing a distinct declaration, that, if the example of the noble Lord should be followed, Parliament would resort to proper measures to remedy the evil. His principle was to give to the debtor against his creditor the same security as the public enjoyed against the public creditor. No penalty, he would admit, could prevent an individual having goods to sell, from making a distinction between gold and bank-notes; but he thought that the penalty was necessary to prevent any such difference being made as between gold and guineas; which could only be acted upon with a view to evade the law to the injury of the public. It was impossible to prevent the existence of two prices to a certain extent; but as to a *maximum*, that was a complete nuisance. The feeling of the country was, that bank-notes were not depreciated, and it was his opinion that it was the duty of the Legislature to destroy any class that had an interest in promoting such depreciation. Two prices he did not think were any proof of depreciation. An unnatural rise in the price of gold might make that dear, but it did not follow that paper should lose what gold gained. With respect to Ireland, the practice prevailed only in four or five counties, in which gold was at a premium even before the Bank Restriction Act. The reason was, that formerly there had been no bank north of Dublin. The conduct of Lord King, therefore, derived no countenance from the general practice of Ireland. He was not satisfied that it might not be necessary in another session to adopt some measure with respect to Ireland, but he thought it wise in Ministers not to extend this measure to that country. Whilst the wall of separation continued, it would be in vain to expect gold from that quarter. With respect to the restriction of the Bank issues, he must observe, that if they could discover any satisfactory criterion, he thought the Legislature ought to impose a limit. But when he considered the conduct of the Bank, he thought that should be left to their sound discretion, as

otherwise they might have to come to Parliament every session with an application for authority to make a further issue. He denied that the paper of this country bore any resemblance to the Government paper of other despotic countries, which was issued upon expenditure actually incurred and bottomed only upon its own worthlessness and insolvency.

Mr. H. Thornton agreed in so many of the sentiments of the noble Lord, that he was glad he had given way to him. He concurred in the opinion, that it was not desirable to limit the issues of the Bank, which should in their nature be fluctuating. In the course of last summer, the Bank had increased its issues by two or three millions with the greatest benefit to the public. But as to the difficulty of finding a criterion, he differed from that noble Lord, because that was to be found at all times in the state of the exchanges, and in the price of bullion during any considerable period of time. Until the issue of bank-paper should be reduced to that test, they could have no standard to regulate that issue. He also agreed with the noble Lord, that our paper currency could not justly be compared to assignats, and that there was no probability of the necessity of establishing a maximum. But the present measures, he believed, had a tendency that way; though it would not follow, that even if we took the first, the second, and third steps towards it, we should necessarily take the fourth. Neither did he think that it would be necessary to make bank-notes a legal tender, though he could conceive a situation, in which it might be found necessary for them to retrace their steps. The Act of 1797 had placed them in an artificial situation, which it was necessary to support by artificial measures: but these should be temporary, and the public should be impressed with a conviction that it was so. He had been inclined to shut his eyes to the difficulty which gave rise to this Bill: but when the subject had been broached in Parliament, he felt that this measure was necessary. But the whole did not rest upon the conduct of Lord King; because by the Act of 1797, every country banker, who issued notes under five pounds, and if within ten days after demand he did not pay for them in cash, was liable to distress by summary process, with heavy costs. If the landlords, then, insisted upon coin, the tenants would demand it from the country bankers, who would all be ruined; and in every future

contract, security would be taken against the demand for gold. He did not think gold had risen above its proper price. If a local or temporary high price of gold took place, it was too likely to be attributed to depreciation, which could not fail to excite a panic; and it was the duty of Parliament to guard against such consequences. In agreeing to this Bill, he wished to protect individuals against the special injury with which they were threatened. He was of opinion, that whilst the present banking system prevailed,—even if cash-payments were resumed, it might be necessary to resort again to the Restriction Bill: as in the case of actual invasion. But it had never been supposed that the Bank was to be protected from paying in specie, whilst the exchange was unfavourable. The hon. Member stated that a restriction of the issues was the best security against depreciation. He had heard it stated with pleasure, that the Bank issues had been diminished nine millions, but was disappointed to find that it was only on the eve of issuing the dividends. The honourable Member then referred to the evidence of Mr. Winthorp in 1797, who stated, that in the case of coin being sent out of the country, it would not be expedient to supply the place of the coin so withdrawn by bank-notes. He agreed in the Bill as it placed tenants on the same terms as other debtors; and if he should be disposed to concur in making bank-notes a legal tender, it should only be retrospective, not prospectively. He thought the right honourable gentleman opposite should point out at what time or rate they would allow of depreciation: which if it existed for any duration, ought to be remedied, though he would admit that a temporary depreciation was not worth the attention of the Legislature.

Mr. Marryatt thought the Bill not only extraordinary in itself, but accompanied with very extraordinary circumstances. Those who supported it now were recanting all the opinions which they had maintained on the discussion of the bullion question. This Bill would be nugatory, if paper and coin were, as in that instance, voted equal in public estimation. The Ministers now took up the ground of their opponents upon the bullion question, when they admitted that the depreciation was so alarming as to call for this measure. He thought it extraordinary to exclude Ireland from the operation of the Bill, because it shewed that they legislated for a country where the evil did not exist

but in the intention of a single individual, and omitted to extend the Bill to a country where it existed confessedly. The principle of the measure was unjust to the landlords. He contended, that the mercantile interests would be more injured by the measure than landlords, as landlords would be affected only in a small part of their income, whereas commercial men would be ruined in their fortunes by the effect of depreciation. In this measure the Ministers passed the Rubicon: a legal tender would follow, and they seemed determined to stake the fate of the Empire upon the issue of this Bill. If the legal tender should follow, the difference between bank-paper and assignats would exist only in degree. The honourable gentleman then alluded to the Acts of Queen Anne to enforce a paper-circulation in the American colonies, which was thereby depreciated, to shew that if Government were to make bank-notes a legal tender they would necessarily be depreciated, and it would be vain to attempt to stop the depreciation.

Mr. John Smith observed, that the principle of the noble Lord who had been alluded to, if followed, would be ruinous to the country. The effect would be to destroy for ever the credit of bank-notes. The demand for gold upon the country bankers would be ruinous to them. In the inland counties there was no circulation but paper, and without it even his constituents could not get bread. The tenants would be irritated, and could not comply with the demand; nay a tenant with whom he had conversed, told him, he would throw his landlord into the Thames sooner than comply. They were all aware of the depreciation of paper, but were bound to endure it: and he had no patience with persons of 10,000*l.* a year, when they stated they suffered by it. He would rather have paid the noble Lord the difference many times over than this question should have been agitated in such a way; and he returned his thanks to the right honourable gentleman opposite, for not having allowed Parliament to separate without bringing forward this measure. It had been said, that the conduct of the noble Lord was legal; but if a person were to put in force a certain act of William and Mary against persons denying the Trinity, for which they might be transported for seven years to Botany Bay, his conduct would be legal, but the public would look upon him as an odious and detestable bigot.

Mr. Bankes might have thought this Bill necessary, if

the conduct of the noble Lord was likely to to be followed generally. But though that conduct had been praised as laudable and patriotic, he had not heard that any one individual was selfish enough for his own lucre, or so regardless of the public interest, as to intimate any intention to follow the example. He did trust, and would trust still, to the good sense and common honesty of the people of this country, that they would not follow such an example. If he thought they would, as he could propose nothing better, he should adopt this measure with modifications; but after the most serious reflection, he thought more mischief would result from passing than from rejecting the measure. Though the conduct of the noble Lord had unfortunately been supported upon high authority, he was still disposed to trust to the people. He thought, however, that the House had a right to be informed from the highest legal authority how the law now stood. He thought it extraordinary that the noble Lord opposite (Castlereagh), who voted for the Bill in this country, should have so little tenderness for Ireland, in so many counties of which the evil prevailed. Mr. Bankes concluded by saying, that any attempt on the part of the Governments of Europe to give stability to the national paper, was always the immediate forerunner of its ruin.

The Chancellor of the Exchequer had not conceived that the measure which was now before the House was likely to be at all necessary, until he had heard the opinions of so many noble persons, who seemed determined to follow the example of the noble Lord with whom the whole original difficulty originated. (*Hear! hear! from the Opposition side.*) He must presume from those cheers, that the hon. Members intended to follow that noble Lord's example, for he could not suspect them of the meanness of praising and defending the very act which they would not venture to imitate. (*Hear!*) The truth was, that they would follow the example of the noble Lord, and it was the certainty of this that made the present measure actually necessary. The danger now ceased to be the contemptible thing it was, when is was confined to the experiments of an individual for whatever purpose labouring to realise his own theories. The great landed proprietors, who had committed themselves in another place, and even in the course of the present debate, were the men who made it necessary to bring forward some measure, or any measure that might defeat

the idle speculations of dangerous experimentalists on the general well-being, secure the tenant from the pressure of the landlord, and quiet the mind of the country. (*Hear!*) This evil was not to be left to chance, during the months when Parliament might not be sitting to meet it. He called it an evil, for the consequences of the act of the noble Lord which had forced the present subject so painfully and unexpectedly before the House, must be of the most extensive injury, unless they were met by a sudden, vigorous, and effectual remedy. The first effect of the noble Lord's principle would be, to throw the whole connexion of landlord and tenant into disorder; a most wide and important relation. The next would be, to have the whole mass of their paper thrown back on the country banks, the whole credit of the country thrown into confusion, and the whole circulation stopped. But doubtless the noble Lord was right in pushing his experiment as far as it would go, and if he did not find consequences naturally shaping themselves with his theory, at least making artificial consequences which would answer just as well. The hazard to the country in the mean time was nothing. The noble Lord simply wanted the establishment of his favourite doctrine of the two prices, and this was absolutely the defence set up by the friends of that noble Lord. (*Hear!*) His law was as sound as his philosophy: that noble Lord did not demand the current coin from his latter tenants, because their leases were made since the restriction. Why, then, did he demand it from the earlier? The "current coin" was the phrase as much in one set of leases as in the other; and if the phrase was to be modified by circumstances, the circumstance of paper being taken in general dealing, as the current medium, was as much in favour of one set as of the other. (*Hear!*) The Member for Suffolk said, and actually said it with an appearance of seriousness, that the present measure owed nothing to Lord King, and that in fact it was from beginning to end the work and wish of Ministers. He (the Chancellor of the Exchequer) had been called sometimes the luckiest and sometimes the most luckless of all Ministers, as it struck the fancy of honourable gentlemen on the opposite side; but there was in this supposition, the acknowledgment of a tide of good luck which might be too much for even the credulity of that honourable Member. The first instrument in this lucky history was Lord King. Ministers were longing to have the present measure brought

forward. They had failed with all their cunning, and the session was drawing to a close. Still nothing was done, there was not a symptom of their being able to introduce this darling measure. The session was expiring, and the Ministerial project seemed on the brink of extinction. Ministers were in despair—but then came forward Lord King in the fortunate moment, and saved them by giving them an opportunity which nothing else under Heaven could give, of bringing forward their measure. This was the first instance of luck. Then came another, and who was the next instrument in the conspiracy? Why, Lord Stanhope. Yet Government seemed to take no very eager part with this accomplice. Ministers declared plainly that they would give their negative to the measure on its first appearance. They thought it unnecessary: it became a different thing on the delivery of certain opinions in another House. For just as the Bill was likely to sink, the tide of Ministerial luck set in again, and Lords Grenville and Grey and several other distinguished persons thought fit by the sentiments which they delivered to make the Bill a matter of necessity. This was the true and genuine history of the series of miraculous good luck by which Ministers were enabled, at the close of a dying session, to spring up and carry their favourite measure with a vigour which was denied to their earliest and most animated exertions; and after this he would leave the honourable gentleman to the enjoyment of his serious, sober, and firm belief in the tale which he ventured to tell to the House. (*Hear! hear!*) The Chancellor of the Exchequer, after the examination of some other statements, proceeded to the legal consideration of the question. There was no doubt, that if the landlord at present demanded his rent, he might proceed by immediate distress, and a Court of Equity would not, in all probability, give any remedy for the distress. It was one of the objects of the Bill to bar that immediate distress. The landlord was not to be left without his remedy; but he must sue at law, and of course be liable to those forms of the Court which would put it out of his power to ruin his tenant in the interval while Parliament was not sitting, and of course not able to apply any effectual remedy to an evil which might be of the most severe and calamitous nature to the tenant. It was the knowledge of this necessary delay, and the uncertainty of the decision which might take place on a demand of rent in gold, that made the multitude of land-

lords never attempt to demand payment in gold. There was but one case of such a demand before the Courts since the year 1797, and that was some trifling thing of 20*l.* which fixed no decision of the Court. The present Bill did not enforce the "legal tender;" nor did it even lead to that as a consequence. It merely went to save the tenant, and support the credit which was forcibly attempted to be taken from the circulation of the country.

Mr. Tierney, in a humorous speech, commented on the alternate good and ill luck of the Chancellor of the Exchequer. He mentioned, that, on the first debate on Lord Stanhope's Bill, in the House of Lords, Ministers were holding a Council in an adjoining apartment, and hesitating half the night, sending messages to the Speaker, and communicating by telegraph with the opposite end of the House, suffering the unfortunate persons who were ordered to speak, to begin their speeches, and go on towards the end without knowing which side they were to take after all; whether they were to admire or abuse the measure, and whether the last word that left their lips was to be aye or no. Mr. Tierney concluded by declaring that the immediate effect of the Bill must be the death of the little credit that was still left to bank-notes. In fact, they were to be bank-notes no longer. They were now to be Parliament notes, Government notes, any thing but what they once were, and what they always ought to be.

Mr. Creevey gave notice that he would to-day move to exclude Bank Directors from voting in the discussions on the Bill.

The House then divided—

For the Second Reading - - - -	133
Against it - - - - -	35
Majority - - - -	98

Lord Folkestone then moved, that the Bill be committed this day se'nnight; this was negatived without a division; and the Bill was ordered for the next day (Tuesday.)

Adjourned.

HOUSE OF LORDS.

TUESDAY, JULY 16.

The farther consideration of the Scots Appeal Cause respecting Burns's Poems, was deferred till Thursday next.

CIRCULATING MEDIUM.

The order of the day was read for the continuation of the debate from the adjournment thereof till this day, on the fourteen Resolutions presented to the House by Earl Stanhope.

Earl Stanhope then rose, and addressed the House upon the subject at considerable length. The principle of his Resolutions was what he first stated to the House. Then came a particular instance, which rendered it necessary to bring in the Bill he had introduced, and which was now before the Commons. The law as it would stand, if that Bill should pass into an Act, would avert for a time those great mischiefs which were daily to be apprehended. It would leave open three remedies for the landlord, as before: but it would prevent him from making a distress when Bank-notes were tendered. We had been brought into a situation something like a man with a number of roads before him, and not knowing which of them to take. There were mud and water, and broken bridges before him, and he knew not how to choose. The Ministers seemed afraid to take a direct road, and the Opposition had no directions to give. He had, therefore, brought them to the point, and they had begun now to take the right road for a short way; but something farther must be done, or they would soon be overturned. He never thought his Bill perfect. On the contrary, he had said, it was like a coat made for *Humpy*. He had been obliged to frame it to meet the distorted shape of the law as it stood, and the circumstances of the times. He could not possibly look at the dangers likely to ensue without alarm. Why was the tenant, who produced for their Lordships their rents and their comforts, to be obliged to bring gold, (which, by the bye, he could not procure) or to pay Bank-notes at a depreciation of four shillings in twenty? His Lordship put a case of a tenant having received such a notice, and going to his landlord, to represent to him his difficulties. "Have I ever failed to pay my rent at the appointed time?" "No, never."—"Have I ever cut down the trees, or ploughed up the gardens, or injured your estate?" "No!"—"I have borrowed money, which I have expended in improving your land." "You have."—"I," continues the tenant, "can't get gold." "Then," says the landlord, "you must turn out." What horrible injustice would this be! This landlord would, like Shylock the Jew, in the play, take out his long knife, and whet it upon the floor, and tell

his tenant, "I'll have my bond, I'll have my pound of flesh." Aye, so he might: but they ought to take care that he should not get a drop of Christian blood! It was clear, that forcing tenants to pay in gold must have an injurious effect in raising the prices of all the necessaries of life: the butcher, the baker, &c. must all be affected by it. His Lordship proceeded to deny the principles that had been laid down by so many persons, about gold being exclusively the medium of circulation He said that it had been for various reasons so esteemed in earlier and infant ages of civilization, and that it boasted an antiquity bordering on the days of barbarism. Those notions had been received and acted upon, but did it follow that they were indisputable? As civilization had increased, the use of a paper medium had been introduced, which was, in many cases, much more convenient. Yet he heard from hundreds, nothing but "Gold, gold;" which they exclaimed like so many parrots or magpies, who had been taught to say nothing else: but he could hear no sound arguments from thence. Gold was a fluctuating medium in its value, as different circumstances occurred, such as the balance of trade, and course of exchange. A pound sterling, he contended, was what the law had made it, and not bullion. If he wanted to measure the length and width of that house, he should look for a rule of feet, or feet divided into inches; and not for a thermometer, or any thing else that would expand in his hands, or when he came near the fire. Nobody in the kingdom could misunderstand what was meant by a pound-note. Let those who complained call county meetings. He would attend in Kent, if one were called, and take care to call for the show of hands on this subject, and he had little doubt as to the result. The effect of the system of two prices would even be seen in the commonest occurrences. Suppose a brewer, for instance,—he should say, Brewer Whitbread, and why not?—well, Brewer Whitbread tells one of his publicans that he must be paid in gold. The man murmurs, and the brewer must compromise, unless the publican can procure gold every time his customers that have a little credit run up their pints and pots of porter to a seven-shilling piece. If he don't compromise, the publican would take down the board "Whitbread's Entire," and put up "Meux's Entire," or "Calvert's Entire." (*a laugh.*) He only wished Noble Lords to consider the subject more attentively. Gold, he asserted,

could not be got, though it was said there was a great deal of it in Mexico and Peru. So there was; some under the earth and some over it: but they might send all the British navy for it, and not get it. No! they must send something that the people wanted to buy in exchange for their gold. It was the course of exchange and balance of trade that deprived us of gold. When Buonaparte set up his system of a triple barrier against our commerce, many people laughed at it. He had never thought so contemptuously of that man, as not to believe that he would push his plan as far as he could. What was wanted, was generality, and success. A time might come presently, when he would have that generality in the effect of his plan, which would produce success. It was with a view to that that he had drawn up his Resolutions, not to press them at the end of the session, but to have them printed, so that noble Lords might consider them well before next session, when it would be necessary to do something permanent. His noble friends in opposition seemed to think gold was easily to be had: that he must deny. They seemed to suppose, that, as they thought the Ministers were ruining the country, the people could have no confidence in them, and therefore, naturally hoarded up all the gold: but that as soon as *they* came in, out would come all the secreted gold, and cover the country! *(Hear.)* He did not think that would be the case. Respecting Bank-notes, he thought it most dangerous and unjust to make them legal tenders. How were two people to act safely with them, neither of them being a judge of a good Bank-note from a bad one? That would be a step like those of *Robespierre* and *Marat*, who, when in France, used queer words for things, called the making assignats legal tenders, *moneydising* the assignats. Afterwards they were obliged to have recourse to the *unmoneydising* of their assignats. The same consequences must result here from making Bank-notes legal tenders. Every body recollected a cause in our Courts of Justice respecting the forgery of French assignats, and that the Court compelled one party to stay the other's bill for doing so. Thus the law had made it legal to forge French assignats. Might not Buonaparte, whenever we should have recourse to the making Bank-notes legal tenders, permit the same thing, and throw millions of forged legal tenders out of boats and ships into this country? After a variety of ingenious arguments, and illustrations of the subject, the noble earl strenuously recommended his plan

of book-entries, which was no impracticable theory, but had been adopted with success in Hamburgh and Holland, where people knew, at least, something about commerce, and circulating mediums. He stated a variety of instances in which this plan was superior to every other, as it would afford us what we so much wanted—a permanent legal tender; and had none of those disadvantages, and that injustice, which must follow the making of Bank-notes legal tenders. In the view of transfer, what was the selling an estate in Kent for 100,000*l.* and buying another in Yorkshire of about the same amount, but a mere exchange of land; say in the neighbourhood of Canterbury for one in the vicinity of York, which the man liked better? Then the book entry system particularly applied. If the money must be received in gold, it could not be carried in a post-chaise, for fear of snapping the springs; it might be carried in a great broad-wheeled waggon. (*A laugh.*) There was no need for this; there was a positive necessity for some thing permanent as a medium, something that might be well understood by every body. In fact, his plan had been begun and acted upon by individual bankers in the West of England. One who had written to him, did not, on that account, want his bill, because it proceeded on the foundation of the Bank of England, whereas the individual's notes could not be made legal tenders. But, still, this instance was a strong argument for his bill. His lordship adverted to the present execution of Bank-notes, which he represented as so easily to be forged, that, in the opinion of good artists, any clever engraver's apprentice, of three years standing, might do it. The country notes were much better done: those of the Bank were inferior to their Lordships' visiting cards. He did not censure the Bank, because he knew that they could not get the numbers wanted executed with sufficient dispatch, if they employed eminent artists. He then described the process of making a Bank-note, explaining the difference of the common parts of the process, and the *stereotype* parts, which was done by what was now called technically, "the *Stanhope* Press," though it was not his invention, as he had only added an improvement. After eight or ten years application, with excellent assistance, he believed he had nearly brought to perfection, a mode of striking off immense numbers of notes of excellent workmanship, which it would be most difficult to imitate. He concluded, after many general observations and particular

explanations on the whole subject, by recommending the Resolutions to the serious consideration of the House, as they contained recorded principles on this most important question. He moved that the Resolutions be printed.

The following is the substance of the Resolutions:—

1st. That an internal circulating medium which shall be a legal measure of value is essentially necessary.

2dly. That it is highly expedient that such medium should be steady and invariable.

3dly. That two or more circulating mediums which may vary in their relative value cannot form the requisite medium.

4thly. That one only should therefore be made a permanent legal standard.

5thly. That such legal standard should be of such a nature as to be divisible into any required parts, or fractional sums.

6thly. That it is moreover expedient that such permanent legal standard measure be so contrived as to be easily, rapidly, and safely transferable, without expence, from any one person to any other person, and from any one part of the country to another, either for the use and benefit of the same individual, or of any other individual, free from any depreciation, defalcation, or discount, and free from any loss by forgery, or by wear and tear, and also free from any danger of loss that might arise from house-breakers, highway robbers, mobs, insurrections, or even from foreign invasion in any particular district, and likewise free from any loss that might arise from the accidental or intentional destruction of any dwelling-house, banking-house, or other building, by fire or otherwise; and, moreover, free from any loss of interest on any quantity, however considerable, of such circulating medium, which shall or may hereafter exist, and be transferable in any of the various ways abovementioned, and (above all things) free from being affected by the course of all or any of the foreign exchanges.

7thly. That neither gold nor silver ever did possess, or ever can possess, the various important and requisite qualities which are above particularly specified.

8thly. That the want of gold in circulation prevents persons who have large payments to make, from making a legal tender to the amount of the money so due and payable.

9thly. That it would be unjust to make bank-notes a legal tender, because the person to whom they are offered may not be certain that they are not forged.

10thly. That for these various reasons, it is highly expedient, that a permanent mode of making payments be established, by means of which, legal tenders, even to the largest amount, may be made without gold, and by means of which legal tenders for fractional sums may be made without either silver or copper.

11thly. That to satisfy the public as to the solvency of the Bank of England, the Company should every session lay before Parliament a clear view of their affairs, and that a maximum be placed on their issues both as to the number and value of their notes.

12thly. That it is expedient, that the Bank of England shall establish various branches throughout the whole country, and in many parts of the metropolis, and shall cause books to be opened in each of those places; and that persons possessed of bank-notes shall be entitled, upon depositing such notes, to have a credit in the bank-book at the place where such deposit is made, equal to the value in pounds sterling which is specified in such notes, to be payable to the bearer on demand; and that every person, having such credit so entered to his account in any one place as aforesaid, shall be entitled to transfer the whole of such sum so accredited, or any parts thereof, either to his own account or to that of any other person at any place where any such book is opened.

13thly. That, for the perfect security of all persons who shall at any time become possessed of any such credit as aforesaid, it is expedient that triplicate corresponding entries be made, the first of which shall be on the Bank-book at such place, the second of which shall be delivered to the person who shall have brought the Bank-notes as a certificate of the proper entry having been made, and the third of which shall be forthwith transmitted to the original Bank of England in London, in order to be by them filed and daily transmitted to the Tower of London for safe custody, after such last-mentioned triplicate shall have been duly recorded in the books at the Bank of England itself, and that every transfer be made in like manner.

14thly. That as, under proper regulations in detail, such book-entries and such book-transfers cannot ever be forged, it would be highly expedient that the law should authorise legal tenders to be made, by tendering such a book-transfer as aforesaid of the sum due, in such form and manner as shall hereafter be prescribed by law.

Lord Liverpool did not feel it necessary to enter into any general view of the question, nor to state the motives which might influence him in a legislative decision upon the nature of the noble Earl's Resolutions; but before he should give his opinion on the present motion, he begged to advert to what had fallen from the noble Earl in the beginning of his speech. The noble Earl had assumed, that the state of the law as it regarded the circulating medium would be altogether absurd, if the Bill now in its stages in another House should receive the sanction of the Legislature; but all the reasoning of the noble Earl on that subject would equally apply to the state of the law after the suspension of cash payments in 1797. And yet, under this law, so very absurdly situated, did the agricultural and commercial transactions of the country go on, and prosper in the most eminent degree. The best mode of legislation he conceived, was to draw principles from facts—to found a system of wisdom upon experience, rather than adopting a very dangerous course—to make laws upon the apprehension of speculative evils. As to the Resolutions themselves, with all the prepossession which the noble Earl must have for this his other child, he was glad that his only object in the present late period of the session was to have them printed. Taking them in this view, and under the consideration, that by agreeing to the motion he should not be understood as lending them the least authority or sanction, he did not intend opposing their being printed.

The Earl of Lauderdale said, that it was a little satisfactory that the *child* now offered to Ministers met with a less cordial reception than the other *bantling* which they had unfortunately taken into nursing. He was sorry, however, that any Minister of this country could at any time, not to speak of the present moment of public agitation, give even the sanction which the noble Secretary did to doctrines, such as never were uttered in either House of Parliament. Was it no trifling thing to give circulation to propositions which condemned the system upon which this country had acted throughout the whole of the last century?—to propositions which stated that our armies must be disbanded, and our navy remain unpaid, unless we have recourse to cash-payments or adopt his own system? Was there no mischief in telling the people of Westminster to call meetings for the purpose of deciding on a question, than which none was more abstruse, and none so abstruse, perhaps, to vulgar concep-

tion. He declared, that in the whole of his Parliamentary life he had never heard a speech so likely to produce mischief as that of the noble Mover. It had not, however, the merit of originality, for he recollected many speeches in France to the very same purpose. In one of them, by Robespierre, were these remarkable expressions: "*What value is there in gold? Let the dirt be returned to the earth from whence it sprung.*" His noble Friend accused the country of crying out "Gold, gold," as senselessly as parrots; but had the country no common-sense, when it preferred to a system of mere paper credit, a circulation of paper convertible into gold? The noble Earl's Resolutions were full of mischiefs, and not confined to the objections he had already stated. His system differed most materially, even from the opinions of the noble Lord opposite. That noble Lord trusted to the forbearance of the country for remaining contented with the present situation of its currency, but his noble Friend had no such opinion, nor any such confidence: on the contrary, considering that our affairs in this respect were at a crisis, he brought forth his *child*, and now ushers in his large family for ministerial adoption. What the nature of that family thus handed over was, he had very satisfactorily explained, but they would not answer the intent of their creation. We must stop the landlords, said the noble Earl, from enforcing payments in gold by ejectment; but was that all the service which it was to do? Would his Bill afford any relief to the public creditor? It was a hard case, he said, that the public creditor should receive his dividends in paper, and if he should take a house be obliged to pay his rent in gold. But did the difficulty stop there? Was it house-rent alone that was affected? What other article in the range of all our necessities which was not equally affected? It was impossible to devise any law which could fix the prices of things. Making Bank-notes a legal tender would affect the past, but what would it do as to the future? A *maximum* must next be established; for a *maximum* was to the future, what a legal tender was to the past. The noble Earl knew that the effect of a legal tender would be to destroy all contracts between man and man; and he could assure their Lordships, that they were much mistaken if they thought that his noble friend (Lord King) was single in his conduct. He could even assure the House, and prove it at their bar, that securities in the three per cents. were sold out at 57 in gold, and 61 in paper. He

could prove that there were many shops in this city which carried on this traffic. The noble Earl then adverted to the doctrine of book-entries mentioned in the Resolutions, and argued, that they were liable to over-issue and depreciation in the same way as Bank-notes, and therefore not essentially different. He would not give the noble Earl's Resolutions even so much countenance as the noble Secretary of State did by suffering them to be printed. He would ever resist the establishment of any other system or scheme of currency than that which resorted to coin as its basis. The noble Earl (Stanhope) confessed, that a legal tender would be the ruin of the country, but did not his own system tend evidently to a legal tender? He was old-fashioned enough to adhere to that plan of a circulating medium which had a happy and fortunate existence from the beginning of the last century; and he was confident, that, whenever the principles upon which that system was founded should be overturned, the country would be lost.

Lord Stanhope replied to the arguments of the last speaker. He did not say that we should pay our armies in coin, or that without it they should be disbanded: but he insisted on the necessity of some fixed circulating medium; and if coin could not be got, that the country should adopt something else. He was accused of bringing forth children and families for the Minister, but he assured the noble Earl that he thought they would be better treated if not nursed. The language which the noble Earl used, with respect to the unfitness of this subject for the public mind, was language fit only for a despot. The noble Earl then made some few other observations in reply.

The Earl of Lauderdale explained, and the motion was put and carried.—Adjourned to Thursday.

HOUSE OF COMMONS.

WEDNESDAY, JULY 17.

PRIZE COURTS.

Lord Cochrane wished to call the attention of the House to a letter from the Treasurer of the Navy to Captain Mason, of the Fisgard. He wished to give the right honourable gentleman every degree of credit for his industry; but in his opinion that letter tended to uphold a system injurious to the best interests of the country, a system which rendered an immense naval establishment necessary, while

under another system a much smaller establishment would be much more effectual. He had stated in that letter to the Captain of the Fisgard, that the expence of the adjudication of the Joanna, the value of which amounted to upwards of 3000*l.*, was the same as that on a boat of the value of 210*l.* He had further stated in that letter, that after bestowing the utmost attention to some hundreds of accounts, it was his opinion that the interests of the Navy were better attended to by being in the hands of the King's Proctors, than they would be if in the hands of private agents. This appeared to him a strange doctrine, that one man could attend better to the interests of the whole Navy, than could be done by a number of men of business, appointed by the individuals who were interested, and who of course were the most likely to employ those who they thought would best attend to those interests. Formerly, when few neutral cases occurred, and when of course the cases were less difficult, the King's Proctor might be able to go tolerably well through the business in his hands; but the variety of frauds in neutral cases, in the present day, requiring the strictest investigation, rendered it impossible for him to do this. If 50 or 60 causes came to be considered in one day by one individual, how was it possible that he could sufficiently attend to them? Upwards of 1000 vessels have been at one time under litigation. He had a list of vessels now under litigation in the Court of Appeals, and which the whole Navy of England were only concerned in 92 of those—the rest, amounting to near 200, belonged to privateers, of which there were not above one or two dozen in all in the country.—This backwardness on the part of the Officers of the Royal Navy, must either proceed from the want of confidence in his Majesty's Procurator-General, and his Clerks, or from their own neglect. This was injurious to the interests of the country. The right honourable gentleman had approved of the fees taken in the Prize Courts. He would ask the right honourable gentleman if he approved of his Majesty's Attorney-General receiving, in every cause in the Court of Appeals, a fee of 22 guineas, whether he attended there or not? He would ask him if he had attended in that Court more than once since November last? He would ask him too, if the Officers of the Navy ought to be at the expence of another Officer to litigate the cases of neutrals? He would give to his Majesty's Advocate every credit for ability; but still he himself might have a feeling that his interests would

be better attended to by another Counsel, and in that case it was his duty to himself to employ another person. If the cause with a neutral were given against him, he would be liable to pay costs and damages, or to go to gaol. Was this the way to make Officers of the Navy exert themselves? The truth was, that at present vessels were allowed to carry both necessaries and luxuries from the Northern provinces of France to the vine provinces in the South. If this could be put a stop to, it would occasion more damage to France than would be done to this country by cutting off all the commerce from the coal counties to the Mouth of the Thames. France was not independent of marine commerce. No Officer, however, would tell this to the Admiralty, because it would look like a reproach on himself. He gave the Officers, however, every credit, but they could not act otherwise, from the dread of costs. The present Judge of the Admiralty had, by a regulation, ventured to afford relief in the case of vessels under 150*l.* He stated the case of a vessel amounting to 163*l.* when the captors were brought in 11*l.* in debt. Was that a state of things which ought to endure? How would those right honourable gentlemen opposite, sitting quietly on their benches (and it was much easier to sit on a soft bench than to make captures), like the risk every now and then of damages and imprisonment?—For his part, he had never seized on a neutral in the whole course of his life, merely because of the risk, and because he knew he could not get that attention paid to his case which he thought necessary. He had once come up with three vessels, which he was told might be captured, but he did not think proper to do so. The right honourable gentleman then said, that the fees charged by the King's Proctor were not so high as those charged by private Proctors; but how was that ascertained?—By a minute on the King's Proctor's Office. What did that minute say?—that in all successful cases the bill should be moderate, and in unsuccessful cases should be submitted to taxation.—What was that saying? It proved only, that the King's Proctor could not even attend to the amount of charges made on Officers of the Navy; otherwise this minute of his clerks was unnecessary. The right honourable gentleman further stated, the fees of the King's Proctor in each cause of the first nineteen vessels in the list examined by him did not exceed eight guineas exclusive of stamps; but as a proof of the contrary, he would only adduce the case of the two vessels, the Two Sisters and

Experiment, where the costs amounted to upwards of 555*l.* and where, instead of thirteen guineas for stamps, as allowed by the right honourable gentleman, he would allow forty-three, and the sum remaining to the Proctor amounted to upwards of 500*l.* Gentlemen might shake their heads at this—it was not the less true. He would ask the right honourable gentleman why the letter from Cook and Holford, referred to in his letter, was not produced to the House? All these things should be investigated before setting up any defence of the system. The whole system of Doctors Commons was of more injury to the country than all the other abuses which existed—than ten times all the sinecures. From twenty years of not inattentive observation, he had ventured to state, and he pledged himself to prove the statement, that by a reformation of that system a saving of not less than five millions sterling per annum might be effected; and if those abuses which existed were rectified, the half of the present navy would do more than was done by the whole at present. Indeed, it would be an advantage if half of the ships of the navy were sunk in the sea. While he said this, he admitted the affairs of the navy were as well conducted by the right hon. gentleman opposite, (Mr. Yorke), as they had ever been before conducted. He had done many good things, and none better, in his opinion, than the re-appointment of a gallant and persecuted officer, Sir Robert Calder. (*Hear! hear!*) So that if he had done nothing more than this, he should have his tribute of applause. The Foreign Prize Courts were nefariously conducted. He gave as an instance the other day that of Malta. It was notorious that the whole affairs in the King's Proctor's Office were conducted by bribes (*Cries of No, no!*) Aye, but he would prove it. But they must not refuse the investigation, as they had formerly done, and then say he had failed. He would give them leave never to listen for the future to any thing he should assert, if he failed to prove this. Another extraordinary charge was for the labour of taxing a bill. The Deputy Register charged 60 guineas for taxing a bill. Was that to be tolerated? An investigation into this subject would be productive of more good than all their votes about the depreciated currency. Did the right hon. gent. also approve of this charge of 60 guineas? Suppose the whole of the Captains of the Navy were compelled to employ the tailor of the right hon. gentleman, would it be any satisfaction to them, if their coats were spoiled, to be told

that they had got them cheaper than could have been afforded by other tailors, because the right hon. gentleman's tailor kept 50 old women in his employ for the purpose of making them cheap. With respect to bribery, he would only say, that it was very natural to think, if an Officer were ordered to sea, he would wish to expedite his cause by giving a bribe. In the case of Captain Skene and the Captain of the Lapwing, a bribe of 500*l.* was given to the Clerks of the King's Proctor's office. The other Captain gave no douceur; and it was curious that the vessel, which was condemned, was immediately given to Captain Skene, who gave that bribe. The whole business of the Navy was left to Clerks, and it was no advantage if it was done cheaper than could be by the other agents. The officers of the navy were feelingly alive to this, though, from various cases, they might not choose to bring the matter before the House. In the case of the capture of a neutral, an officer was exposed to many risks. Supposing, for instance, he did not insure it from inability, or from other causes, and the vessel should be lost, he might be ruined by it; and this actually happened to Captain Wemyss, a friend of his, who was completely ruined by the loss of a vessel in the Needles, and if he had not died abroad, he might have died in a gaol. The King's Proctor could not serve both God and Mammon—he could not act both for the Crown and the Captors. While the whole navy employed but one Proctor, each privateer, however petty, might employ his own Counsel. Surely more confidence was to be reposed in the Officers of the Navy, than was to be reposed in such rogues as sallied forth from Gibraltar and Malta. The remedy to all this was very simple—it was not to make new laws, but to enforce the old ones. Tables of fees ought to be hung up in the Courts. In Malta the table of fees was kept five years in a drawer, and at length was put up, when unavoidable, with a minute at the bottom, adding one third to the fees, not in the open Court, but on the back of the door where those belonging to the Court ate and drank, and put on their wigs. In a case where he had captured a privateer, after fruitless applications, he was obliged to tax his own bill, for which he was clapped in gaol, where he might have been to this hour, had he not got out at the window. Next session, for it was too late in this, he would endeavour to frame a Bill to explain the 45th of the King. He wished now to ascertain—1st. What were moderate fees? 2dly. What were the fees

in taxation? And 3dly, He wished to ascertain the net value of the King's Proctor's Bills. He should move that a Return be made of the Fees charged in the two first and the two last Causes of Vessels condemned each year during the present war. He should also move, that a Return be made of the Sums received by the King's Proctor in the case of the Two Sisters and Experiment.

Mr. Rose, however much convinced that the general class of Proctors were very honourable men, believed the interests of the Navy would be much better attended to by one man of great responsibility. That person frequently dissuaded the Officers of the Navy from bringing forward cases, contrary to his own interest. Indeed this was clear from the statement of the noble Lord, when he said that not more than one-third of the cases brought forward by privateers, were brought forward by the Officers of the Navy. This was as much as saying that the King's Proctor had advised them not to be brought forward. He would not follow the noble Lord through his multifarious statements. With respect to his letter to Captain Mason, of the Fisgard, he would shortly state, that in January 1811, Capt. Mason, who was a gallant officer and a most respectable gentleman, had complained in a letter to him of what he thought injustice done him in the case of some vessels captured by him between April and November 1810. To this letter he had written the answer in question, and he had received an answer in return from Captain Mason, which he read to the House, thanking the right hon. gentleman, and concurring in opinion with him. He was astonished to find the noble Lord so inconsiderate in his statements. With respect to the 500*l.* bribe, the sum was laid out by Captain Skene himself, with the approbation of his crew, in procuring of evidence, without which the vessel captured could not have been condemned; and therefore the charge of a bribe of 500*l.* having been paid to the Proctor's clerks was totally without foundation. The King's Proctor dissuaded Captain Skene from going on; and this sum was laid out by Captain Skene to procure materials that the cause might go on. This was the only instance of bribery adduced by the noble Lord. He had no particular motive for sheltering the King's Proctor.

Mr. Stephen could not help expressing his indignation at this cruel calumny of the noble Lord against public men, without any motive, at least without any practical good

motive. He had brought forward a broad charge of bribery against the King's Proctor, which, if true, ought to subject him to punishment and disgrace; and yet he had moved for no papers to give the person so accused, an opportunity of refuting the charge. Surely the noble Lord was bound to go farther than this. All that he had moved for was a few accounts relating to the prizes in general during the war. This was not a way in which public men ought to be treated. The noble Lord seemed to have a great antipathy to Prize Courts; but he was allowing his feelings to carry him an injurious and very unchristian length, in bringing forward a loose charge of this kind at the end of the Session.

He then adverted to several cases of capture by the noble Lord himself, in one of which the Proctor's bill did not amount to more than 6*d.* in the 100*l.* and in all of them taken together, not to more than 3*s.* 8*d.* in the 100*l.* The noble Lord appeared to think, that the best plan would be, to fix a certain per-centage for the Proctor; but surely the noble Lord could not gain any thing by that. He hoped the noble Lord would inquire with more attention, in future, before he brought forward such unfounded accusations.

Lord Cochrane, in reply, said, that he had not been answered in a single point. (*Hear, hear!*) He repeated, in not a single point. He had asked, why the answer of Cook and Holford to the right honourable gentleman's letter, No. 5, had not been presented among the other papers? He had pressed that question strongly, but had got no answer. The right honourable gentleman had, indeed, read Captain Skene's letter, approving of the disbursement of 500*l.* but Captain Skene's information on the subject had been defective. He repeated that the Proctor and his clerks had been averse to the prosecution of the cause, till the application of the stimulus which they had no right to receive. If a Committee had been granted him last year, he would have proved that 27,000*l.* had been improperly taken from the Navy by that Office—but when gentlemen refused an inquiry, it was too much to tell him that his accusations were unfounded. If they put these cases in a different light, and argued upon them, he could not help that; he spoke of the King's Proctor, not as an individual, but as public officer, entrusted with duties which he could not fully perform. The right hon. gentleman plumed himself on the answer of Captain Mason, complimenting him on the attention which he had

paid to his case, and the interests of Navy Captors in general; but Captain Mason too might have been ill informed on the subject. The right honourable gentleman had written to Captain Mason, that measures had been taken, under the sanction of the Court of Admiralty, to prevent undue charges by the agents at the out-ports in future. Why was there not some enactment on the subject, that Officers of the Navy might have something precise to trust to? The honourable and learned gentleman opposite (Stephen) had last year moved a Resolution, that every thing had been conducted in the most proper way by the Law Officers. How the House could have agreed to such a Resolution without inquiry, was to him astonishing. He saw no foundation for the delicacy alleged with regard to bringing forward the name of Moir, as it had long been notorious that he had been employed in facilitating the trade of the enemy for ship-timber. He denied that he proposed a per-centage upon the amount of captures as fees for the Proctor; he had only said that there ought to be some regular rule that the captors might know whether they were wronged or not. As to the observation, that captors were formerly entitled only to one-third of their prizes, this only proved that the Ministers who altered the system knew better how to make use of the motives by which men were generally actuated than the present Ministers. The King's Proctor had as many causes in the Admiralty Court as 79 other Proctors; this ought not to be: there ought, at least, to be six King's Proctors, out of which the officers of the Navy might choose. He asked the hon. and learned gentleman (Stephen) whether he did not attend sometimes in the Court of Appeal for the Attorney-General, and took the fees, while the Attorney, though absent, was still paid for his attendance. Formerly the King's Proctor sat at one end of a table, preparing their cases for the captors, while another Proctor sat at the other end, preparing the cases of the claimants.—This glaring abuse had been done away, and he hoped others would be done away in the same manner. He then read a memorial from his relation, Sir Alexander Cochrane, a man not likely to be actuated by the prejudices imputed to him (Lord Cochrane), strongly urging the objection to the circumstance of there being only one Proctor, and stating that there were grounds to believe that this Proctor secretly appointed the Proctor on the other side to defend against himself. His Lordship farther stated, that next session he would bring in a Bill to amend the law

on the subject of Prizes, and reported that the commerce of the enemy was carried on to a great extent. That the Mediterranean was crowded with their ships, was in a great measure owing to the want of a stimulus, which, while they were men, would induce the officers of the Navy to keep a sharper look-out.

Mr. Rose declared he had not a shadow of objection to produce Messrs. Cook and Holford's letter, if the noble Lord thought it material. But the noble Lord had again misrepresented the affair of the 500*l.* He (Mr. Rose) had distinctly stated and proved that this sum was voluntarily advanced by the captain and crew to procure information, without which the ship could not have been condemned.

Mr. Stephen stated, that he certainly had been employed in cases of appeal along with the Attorney-General, who, having given the benefit of his advice through all the other steps of the case, could not sometimes attend at the hearing. His presence might be necessary at another place, and of this the agent must be perfectly aware.

The Attorney-General said, that it was impossible for the Law Officers personally to attend to all their public causes. He had always made his private business give way to his public, and always attended in person, when he could possibly do so with advantage to the cause.

Lord Cochrane did not blame the Attorney-General for not attending, but for taking the fees though absent.

Mr. P. Moore thought that the noble Lord ought to be allowed a Committee to investigate his charges. It was due to the noble Lord, who undertook the disagreeable task of a public accuser; and it was also due to the King's Proctor, against whom the House ought not to allow these accusations to exist without an inquiry.

Mr. Perceval observed that it was a most extraordinary supposition, that the House should grant an inquiry, when the charge completely failed in the first instance—when the very ground of it was at once taken away. The noble Lord gave notice of a motion for Papers relative to a Capture by the Fisgard; and then, without the smallest notice to the King's Proctor, he brought a charge of corruption and bribery against him, which had nothing to do with the papers. This charge the noble Lord offered to make good—or if he did not, he desired that no future accusation of his might be

attended to. To induce the House to grant him a Committee for that purpose, he stated an instance where 500*l.* had been given to the Proctor, to stimulate him to carry on a cause. Providentially, he might almost say, his right honourable friend (Rose) happened to have documents, among which was a letter from the Captor himself, completely justifying the Proctor, by stating that he and his crew had expended the money for information to enable them to condemn the ship. Why then, here was the instance on which the noble Lord chiefly depended, completely taken away from him. The charge had been refuted the moment it was made, by the most decisive possible evidence—that of the captors themselves:—and upon the noble Lord's own principle, his future accusations ought not to be attended to. But surely the House was not to appoint a Committee of Inquiry under such circumstances, when not even the shadow of ground had been laid for it. This charge, too, had been made in the last days of the session—and was the House to appoint an investigation to hang over the head of a Public Officer for a whole vacation without any thing to warrant it? This would be destroying the character of the House itself as well as of the individual, and rendering their proceedings the vehicle of libel and slander.

Sir J. Nicholls referred to the former discussions relative to this subject; stating that one motion had been carried against the noble Lord by acclamation. In another, in which he charged the Law Officers of the Crown with having practised frauds, six Members only divided with him; and when a motion was made by Members on the other side, acquitting the Law Officers of the Crown, the noble Lord was left in a minority, not by shutting him out from inquiry, but, on the contrary, after hearing all that could be said in his favour, even the six members who had formerly voted with him, not seeming to persist in their opinion, but the noble Lord himself being the only person whose voice was heard. He hoped the noble Lord was now apprised of the fact that he (Sir J. Nicholls) was no longer King's Advocate; but that he held a judicial situation under the Archbishop of Canterbury.

Mr. W. Smith hoped, that after the first question, the noble Lord would not press his motions to a division. He was, at the same time, inclined to support a Committee in the next session, into the conduct of officers in the Admiralty Court. He doubted much if the public did not suffer

much even from the high character of some of the officers of that Court. He said so on the authority of persons who had made known to him their complaints under a promise of secresy, but for which he should have submitted them to the consideration of the House.

Sir W. Scott said, if a single officer of that Court had acted amiss, and an application had been made to him which he had refused to attend to, then it would have been his (Sir W. Scott's) business to justify the person accused; but he had a right to complain that such a statement had been made in that House before some charge had been made to him.

Mr. W. Smith doubted, if abuses similar to those to which he had referred, were under the correction of the right honourable Baronet.

Sir W. Scott said, the Officer of his Court must be powerful indeed whose misconduct he had not a right to correct.

The first motion was then put and carried.

The second motion being about to be put, no person was found to second it, in consequence of which it was not put.

On the motion of Mr. Calcraft, there was ordered to be laid before the House, an Account of the amount of Bank Notes in circulation, on Saturday the 6th, and Saturday the 13th instant, distinguishing Bank Post Bills.

Mr. Ryder obtained leave to bring in a Bill to amend the Act of the present Session, permitting the interchange of the English and Irish Militias. He afterwards brought in the Bill, which went to provide for the Wives and Families of Militiamen so interchanging their services, which Bill was read a first and second time, and ordered to be committed the following day.

BANK DIRECTORS, &c.

Mr. Creevey rose, pursuant to notice, to move that the Bank Directors, and other Members of the House connected with the affairs of the Bank, should be excluded from voting on the subject of the Bill now before the House, relative to Bank Notes. Preparatory to this motion, he moved that certain Resolutions of the House relative to the right of the right hon. George Rose and of William Huskisson to vote on the question of the Loyalty Loan, be read. Which being done accordingly, and it appearing that they were

allowed to vote, on the ground that they had declared that they had no interest in this vote,

Mr. Creevey said, the House would see, that on the occasion to which he had referred, two Members of this House were allowed to vote only in consequence of its being stated that they had no interest in the question before the House. This was the conduct, in Mr. Pitt's time, on the question of the Loyalty Loan, and on that same occasion some person having objected that another gentleman, named Manning, was an interested person, and that not being denied, Lord Sidmouth, who then filled the Chair of that House, laid it down, that the gentleman alluded to, being an interested person, should withdraw. Another case which had occurred, was that of a corporation for making bread, in which the shares amounted to 50*l.* each, and even in so pitiful a case as that, it was held by the Chair, that even so little an interest as that disqualified a Member from voting. This brought him to consider the interests of the persons to whom he alluded, in the question now before the House. By the act passed in the year 1797, the Bank of England was restricted from paying in cash. Since then, their issues had increased from eleven millions to upwards of twenty-two millions. In consequence, they had, in the course of six years, divided among themselves six millions of money, being to the amount of one-half of their stock, the dividends on which, within the same period, rose from seven to ten per cent.; and the stock itself from 118*l.* to 236*l.* per cent. —double. Having this power of coinage, as it may be called, put into their hands, they might naturally wish to have it secured to them. Would any man, however, say that such power ought to have been conferred on the Bank, if it could have been supposed that they were to be made the judges in a vote like the present? As to the depreciation of bank-paper he had no inclination to say any thing. Gentlemen in authority, opposite, made it out not to be depreciated, and he had no wish to contradict them. He did not assert that bank-notes were depreciated; he did not wish to be accused either of dealing in falsehoods or of being a Jew. Mr. and Mrs. De Yonge, though Jews, had chosen to sell bank-notes for less than their value, and his noble friend (Lord King) had been treated as if his conduct had been little better. It was sufficient for him (Mr. Creevey) to say, that the acts of these parties combined had produced an Act of Parliament, the object of which, according to his concep-

tion of it, was to grease the wheels of the Bank and set them a coining again. They had found this to be as cheap a mode of proceeding as possible; that it produced an increase of dividends, of bonusses, &c. and they wished it to be renewed again. An honourable gentleman, opposite, shakes his head at him; but that gentleman supports the present Bill. Let gentlemen name the value of bank-notes, and that will be the value of them. If De Yonge were to renew his old practices, and to sell them for 2*d.* they must still be worth 20*s.* If gentlemen, however, had this right of fixing the value of their notes, yet still they should not have it in that House. He approached the Directors, certainly, with great awe, as being the greatest persons in that House. He objected to their conduct, however, not only so, but he thought no punishment too much to inflict on them; and he was convinced they and the Directors at Leadenhall-street would thank him for saying so. They were the pillars of the state. It was their province to provide for the exigencies of the state; they were also, as far as they deemed consistent with their own interest, to provide for the commercial exigencies of individuals, and the only persons for whom they were called on to do nothing, were their own creditors, to whose wants they were bound, by every tie of honour and of honesty, in the first place to have attended. It was vulgarly and foolishly supposed that this Constitution consisted of King, Lords, and Commons. According to the new arrangement, however, it consisted of the King, the Bank, and the East-India Company; and, if the Bank Proprietors were to go out and vote on such an occasion as the present, and the right honourable gentleman (Mr. Perceval) were, as a Bank Director, to go under the Gallery, gentlemen would admire his speech as much as they admired his paper. Gentlemen said, could it be supposed that any honourable member could be actuated by being a proprietor to the extent of 2,000*l.*? If gentlemen, however, by being a proprietor to this extent, could get to a friend an advance of 200,000*l.* that was a consideration of no small moment. Be it little or great, however, it was for the House to say, if that was an interest in the concerns of the Bank, which ought or ought not to deprive a member of that House of a right to vote in a question in which the interests of the Bank were so materially involved. It might happen, however, that there might be a person who was a proprietor of the Bank, and who it was impossible should

not be interested. His attention was naturally directed, in looking over the list of proprietors, to the first name in the list, being that of Lord Arden—a name not unknown to the right honourable gentleman opposite. When the noble Lord alluded to was called before a Committee, in the course of the last session of Parliament, to answer as to the amount of fees arising from some sinecure places which he held, he refused to give the Committee any satisfaction on the subject. They were his freehold, and he could not be induced, nor did he feel himself bound, to tell in what they consisted. His deputy, however, admitted, that there was in his hands, in general, of fees 200,000*l.* and that the emoluments of his offices averaged about 12,000*l.* a year. The right honourable gentleman opposite might talk of Jews—(*Order, order!*); but if that noble Lord chose to have made use of that 200,000*l.* in the purchase of stock, he must have doubled it within these few years. He did not say the fact was so; but, if it really was so, then let the House consider how monstrous an advantage this must be—a more striking one, he imagined, could not be conceived. Lord Arden had shewn himself as gallant a defender of his fees, as Lord King had lately been of his land—and when the right honourable gentleman (Perceval) should at any future time think proper to talk of Jews and Pedlars, and to apply such epithets to Lord King, he hoped the right honourable gentleman would not forget to include the other noble Lord (Arden) in the description. He was fully satisfied that no gentlemen connected with the Bank ought to be allowed to vote on this question, and concluded by moving—

"That it appears to this House that in consequence of an Act passed in the 37th year of his Majesty, for protecting the Bank of England from payment of its lawful creditors in specie, the profits of that Corporation have increased to an enormous degree; that besides increasing the dividend upon their capital stock from seven to ten per cent. they have at different times divided amongst themselves, in the way of bonus, upwards of six millions of money, being more than one half of their capital stock; and that in addition to such profits, their capital stock has, by the advantages of increased issues of their paper, and non-payment of their creditors, been increased from 118*l.* per hundred, to 236*l.*; that, under such circumstances, a Bill is now pending in this House, giving a legal value in the coin of this realm to the notes to be issued by such Bank, however indefinite

such issues may be, and protected as the Bank still is from payment of its creditors, by means whereof the issues of notes, and the profits of the Bank, may be even still further and greatly increased; that various members of this House are members, likewise, of the said Corporation of the Bank, and proprietors of Bank Stock; and that this House is of opinion such members have a direct interest in passing this Bill into a law, and that their votes in favour of the same ought to be disallowed."

Mr. Manning had no hesitation in saying that he was the person alluded to by the honourable gentleman who spoke last. The effect of his vote on the question of the Loyalty Loan, if he had been allowed to give one, would have been to put 1,000*l.* into his own pocket, in consequence of the 10,000*l.* loan of which he was a holder. Here, however, the present Bill could not affect him, or any other Bank Director or Proprietor, to the amount of half-a-crown. Let the honourable gentleman look to the question before the House, and see what effect the votes of the Directors and Proprietors of the Bank, only forty in number, could have upon it. The last division was 135 to 34, and if these forty were excluded, what difference could that make? As well, however, might all country gentlemen have been excluded from voting on the Distillery Bill, or all West-India Proprietors on the Sugar Bill, or on the Bill for the Relief of the Colonies. He, for one, should continue to discharge his duty in that House honestly and faithfully, without regard to the present Bill, which, whether passed or rejected, could not increase or diminish his property to the extent of six-pence.

Mr. Dent conceived the case of the Loyalty Loan inapplicable to the question before the House, because then the particular individuals alluded to had a direct interest in the votes which they might give.—He did not approve of the reflections on Lord Arden, and should oppose the motion on the ground that the same principle, if acted upon, would preclude many members even from voting on any Turnpike Bills, not to mention the Distillery Bill, and others, with which the landed interest was peculiarly connected.

Mr. Long condemned the allusion to Lord Arden, who was not present to defend himself, as invidious and unjust. (*A loud cry of hear! hear! from the Ministerial benches*)—The principle urged by the honourable member (Mr. Creevey) would go to exclude votes on any Canal Bill, and

often render it impossible to form a House. Every holder of a note might be said to be interested in the question, as well as the Bank Proprietors.

Mr. W. Smith could not help observing, that however just might be the disapprobation expressed of any allusion to the motives of one noble Lord, the sentiment was equally applicable to the censure passed upon the conduct of another. (*Hear*! *hear*!)—With respect to the objects of his honourable friend who had brought forward this motion, he had not the smallest doubt of the purity of his views, although he did not think he had fully succeeded in proving the direct pecuniary interest of the Bank Proprietors in the present Bill; and if any indirect interest was permitted to operate as an exclusion, it would on many occasions cut off half the votes of the House. The question, however, now was quite distinct in its nature; it was a question between the interests of a monopolizing company (he did not mean to speak invidiously) and the interests of the public. Now, he had never heard of a Corporation of Barley Growers, or of a Corporation of West-India Planters, or of any Act of Parliament to defend them against the lawful demands of their creditors. (*Hear*! *hear*!) If in 1797 a motion similar to the present had been made, he could not believe that it would have been resisted, it being then clearly the direct interest of the Proprietors that the restriction should take place. He did not assert that they first suggested or brought that measure forward, or that any censure ought to be passed upon them for their conduct on that occasion. Their evident and immediate interest in the question ought, however, he conceived, to have prevented them from publicly voting in favour of it. The right honourable gentleman had said, every holder of a Bank of England note might, by the same rule, be excluded from dividing; but he surely forgot, not only the very small and temporary interest thus held, but also that every holder of a note did not thereby become a corporator—did not thereby enjoy the profits or the privileges of a Bank of England corporator. (*Hear*! *hear*!) It had been said that there was no regular or authentic proof before the House of the Bank having acquired any extraordinary profits by means of the suspension of cash payments; but if there was no such proof, there was certainly the very strongest presumption, as he was himself prepared to shew. Previous to the year 1797, the dividend on Bank Stock remained for a number of years at 7 per cent.

His honourable friend (Mr. Curwen) had estimated the whole profits of the last six years at 6,000,000*l*. He held a paper himself in his hand, which shewed, that during the fourteen years since the suspension, the Bank had divided 32*l*. 7*s*. per cent. in bonusses. Their dividend had increased first to 10, and subsequently to 11 per cent. Instead of 7, as before the Act of Restriction, the dividend had been at the average of 10¾ per cent. This was matter of fact. (*Hear*! *hear*!)—The whole increase of profit was therefore 50 per cent. within the fourteen years; and a person holding stock in 1797 might have continued his ordinary expenditure, and without risk or labour have doubled his capital in that period. Other companies, as his honourable friend (Mr. Manning) said, had existed, the Royal Exchange and Grand Junction Canal, which had made great profits, had not made them through the medium of any legislative act to exempt them from the payment of their debts. (*Hear*! *hear*!) If these Companies had possessed this privilege, what would have been so likely to raise these profits to a much greater height? If the interest then of Bank Proprietors was thus presumptive, and thus plain, was it not a strong argument against the propriety of their voting on a Bill which was to give a value to their notes that was not derived from, or supported by their own intrinsic credit?—From whatever cause this Bill originated, it was his fixed opinion that there could not be a measure devised more sure of giving a stab to the credit of the Bank. He did not affect to praise the conduct of Lord King, although he was sure his motives were good; but he was convinced of the truth of the maxim, that where power begins, confidence ends. It was upon these general grounds, and on principles universal in their application, that it was his decided belief that the Directors could not better consult their own interest, than in either moving that the clause of the Bill now pending, and enacting that their notes should not be received under their nominal value, be omitted, or in abstaining from giving their votes in favour of the measure.

Mr. Abercrombie considered the general rule to be that of direct interest, but that it was a rule that was always to be applied with reference to the circumstances of each particular case. The act of 1797, he had always understood, arose out of a representation of the Bank Proprietors to Mr. Pitt, that they could not fulfil their engagements; and was it to be said that they had no interest in being so enabled?

Bank-notes, to use the language of an hon. gentleman, were now *artificially depreciated*; but had not the holders of bank stock an interest in preventing this depreciation from going further? He was far from wishing to claim any monopoly of abuse, but it was singular to see the persons who felt so much tenderness and jealousy of any observation on Lord Arden, quite indifferent with respect to Lord King, although the one was no more present than the other. There was but one way of explaining this, which was, that a noble Lord had had the good fortune to be brother to the Chancellor of the Exchequer. There was still this difference between the two cases, however, that the conduct of the one was the conduct of his own private affairs, that of the other the subject-matter of a Report of a Parliamentary Committee. If he had been rightly informed too, the answer of Lord Arden to the first question put by the Committee was, "Will you secure to me my freehold?" He merely mentioned this to shew, that the anxiety of the gentlemen who declaimed on the unfairness of reflecting on them who were absent, seemed to be exclusively reserved, on this occasion, for the brother of the right hon. gentleman.

The Chancellor of the Exchequer said, that at that late hour when there was business of such importance as yet before the House, with respect to the censure which had been thrown out against the improper introduction of Lord King's name, he really could not understand how the debate could well go on without it. Some gentlemen approved of the noble Lord's conduct, others as decidedly disapproved of it. Now how persons could approve or disapprove of that conduct, and yet make no sort of allusion, was what he could not quite understand. *(A laugh)* An honourable gentleman (Mr. Creevey), however, had thought that introduction so improper, that he proceeded to illustrate that alleged impropriety by one of which there could be no doubt at all. To shew you, said that honourable gentleman, how wrong you were in introducing my Lord King's name, I shall now introduce my Lord Arden's. *(A laugh)* And certainly the honourable gentleman had been most happy in his illustration. (*A laugh*) As to the question before them, instead of those persons who had bank stock being interested parties, he rather thought that all those who had bank-notes might be more justly said to be interested, if, as according to the showing of certain gentlemen, bank-notes, which were now but worth sixteen shillings, would after the

passing of this act be worth twenty shillings. So that on this principle every gentleman who had a bank-note in his pocket was disqualified.

Mr. Hibbert said he should oppose the Resolutions. There was scarcely a question in which some gentlemen might not be more or less interested than others, but still the good of the whole arose out of the accumulated interests of individuals. (*Hear!*) He should oppose the Bill, but he could not think that the stock proprietors should be prevented from supporting the Bill if they thought fit to do so. He was not one who would be suspected of flattering the Bank Directors. He had been, and was anxious for placing a limitation to their discounts; but he must say, that during the thirty years that he had been a merchant, he never yet heard their conduct arraigned. (*Hear!*)

Mr. Creevey then shortly replied. He begged leave to disclaim all the apologies, direct and indirect, that had been made by his honourable friend or others for his introduction of the name of Lord Arden. (*A laugh*) He did not think any apology called for, and he should make none. He frankly admitted, that he particularly specified Lord Arden for one reason among others, because he was the brother of the right honourable gentleman who had been so forward in his strictures upon the conduct of Lord King, for doing nothing more than what Lord Arden had before done. He found the name of Lord Arden at the head of the list of stock-holders, and that he was in possession of 200,000*l.* of the public money. He had in that instance proved himself a vigilant defender of his property in fees. Lord King had only resorted to the known law of the land to defend his property. So far the cases were not dissimilar. (*Hear! hear! from Ministers.*) He contended that it was in both cases a defence of property, with this difference indeed, that Lord King acted in defence of his hereditary property in land, while Lord Arden was the strenuous asserter of his own overgrown property in the profits arising out of the abuses of the state. (*Hear! hear!*) There was this difference between the two cases, but no other. As to the jokes of the right honourable gentleman, while he had so many around him so eager to laugh at them, before they were well heard, he (Mr. Creevey,) could not think of contending with the Chancellor of the Exchequer in jesting.

The Speaker said, that as the question was a *mixed* one of

law and fact, it might be thought to fall within his duty to state his opinion of the law. He took it as a rule perfectly established for the last two hundred years, and even then an old rule, that interest did always disqualify; it must, however, be a direct pecuniary interest, and separately belonging to the individual; the question of fact was before the House, and upon that they would decide how far it came within the operation of the law. This was for them to pronounce, and not for him to say.

The question was then put, and negatived without a division.

GOLD COIN BILL.

Mr. Perceval moved the order of the day for going into Committee on the Gold Coin Bill; it was read accordingly, and on the question of the Speaker's leaving the chair,

Mr. Bankes rose to take that opportunity of calling the attention of the House to the new silver coin of three-shilling tokens, lately issued by the Bank. He said that the imperfect, clumsy, and shabby manner in which the impressions had been executed, was a disgrace to the arts of the country (*Hear, hear*!). With the exception of some coin he had once seen, belonging to the King of Sardinia, he had never seen so bad and vulgar an impression (*Hear!*)

Mr. Dent, before the House went into a Committee, rose to express his regret that the example of the merchants in 1745, who at the time of the rebellion agreed to take paper with certain restrictions, had not been followed in the present instance.

Mr. Manning and *Mr. G. Johnstone* said a few words which we could not hear; but we believe the former stated that the Bank had nothing to do with the sale in markets, and therefore could have no cognizance of any supposed depreciation.

Mr. Brougham had heard that these tokens were coined in the National Mint—at whose expence was this coinage? It was not public money—it was not the money of the realm. He wished also to know what was the real value? If this token was not worth three shillings—what was it worth, and how was it debased? Was it debased by a mixture of copper or tin alloy, or by lowering the standard, or by lessening the weight? It was notorious how bad the common silver coin was before this new coinage, and yet

persons were glad to purchase in the market 100*l.* of this bad silver with 104 Bank one-pound notes. In adverting to the Bill itself he thought it impossible that any thing that could be done with it in a Committee could remove the radical objections he had to the principle. Here the honourable and learned gentleman recapitulated many of the objections which have been already urged against the Bill. In alluding to the extension of its provisions to Scotland, he commented upon the severe and rigorous penalties with which all misdemeanours were liable to be visited in Scotland, and instanced the case of a learned and accomplished member of the profession to which he (Mr. B.) had the honour to belong, who for the mere offence of lending to another Paine's Rights of Man—a book which the lender had not given to the borrower, but told him he should find it in his great-coat pocket—for this offence that gentleman was transported for fourteen years to New South Wales. This was enough to make them cautious of enacting misdemeanours to be punished according to the direction of the Scotish Judicature.

Mr. Manning, in answer to the questions of the learned gentleman, stated, that the weight of each three-shilling silver token, amounted to nine pennyweights, eleven grains; and that the value of it was about two shillings and ninepence. With respect to the issue of the five-shilling tokens, the Bank had issued four millions, and had lost little short of 40,000*l.* on raising the price of sixpence each dollar. The excessive high price of silver had rendered it impracticable for the Government to institute a new silver coinage.

Mr. Rose said, that before the order was made for the issuing of Bank tokens, a Committee of the Privy Council had examined nineteen or twenty of the most eminent bankers in London, as to the propriety of such a measure, who had all strongly recommended it.

Mr. P. Moore said, that the state of the country did not call for this measure; that there were no Parliamentary grounds shewn for it, and no necessity attempted to be asserted in the Bill. That there was specie enough in the country, as might be shewn from the reports of the Bank Directors themselves, if measures of confidence were adopted to call it into circulation—that the Bill went to shake the best securities, and to alter all the valuable standards of the kingdom—that it was a measure brought forward, he con-

ceived, not so much because the Corporation of the Bank were bankers, but because they were the agents of the Government—that if they went on to improve the advantages of their situation, in which this Bill would place them, as they had done since the year 1797, they must in the course of time possess all the property in the kingdom without paying for it; and that if this Bill passed, he should feel that the best interests and security of the empire were betrayed.—Mr. Moore said he shortly gave these sentiments against the impending mischief, lest he should not have another opportunity.

Mr. N. Vansittart said, that when he heard that an honourable and learned gentleman near him was about to propose a series of Resolutions, he had felt no small degree of alarm; but that alarm was in a good degree quelled, by the specimen afforded by the learned gentleman of his reasoning on the subject.

The House then divided on the question of going into a Committee, when there were,

For the Committee	75
Against it	11
Majority . . .	64

The several clauses of the Bill were then read in the Committee, and some discussion took place on the particular clauses, and the general principles of the Bill, in which the Chancellor of the Exchequer, Mr. Henry Thornton, Mr. Wm. Smith, and Mr. Tierney, spoke at great length. Mr. Henry Thornton stated, that the object of the Bill would not be effectual, as paper might first be sold for commodities, and gold bought with these commodities, in such a way as to have no difference in effect from the practice struck at in the Bill.

Mr. W. Smith reprobated the idea of making bank-notes a legal tender; a thing the Legislature thought they might have the power, though they had not the right to do. He referred to a work of Thos. Paine, a man whose assertions in general ought to be taken, not with grains, but with ounces of allowance, but who had, in a certain pamphlet, uttered many things extremely worthy of notice relative to the national debt of the country. He approved of the remedy of double prices proposed by a learned gentleman

(Mr. Brougham), and referred to the cases of America and France.

Mr. Tierney said, if the object of the Bill was not to send all the remaining gold of the country as fast as possible to Ireland, he could see no reason for not extending the Bill to that country.

The Chancellor of the Exchequer thought it would be improper, at the end of a session, to introduce an alteration in the practices of Ireland, which had subsisted previous to 1797, though some inconvenience might be felt.

After the different clauses had been gone through, there was an understanding on both sides of the House, at the suggestion of the Chancellor of the Exchequer, that the Bill should not be debated at length for two nights, and that the debate at length should take place on Friday, when the Resolutions of Mr. Brougham might be argued on by that gentleman during the discussion on the Bill, and moved immediately after the Bill was decided on.

The Report was ordered to be brought up this day.

Mr. Tierney seeing an honourable gentleman (Mr. Manning) in his place, wished, in order to know what opinion had been formed by the Bank of England on this Bill, to move for copies of all communications which had taken place between the Bank Directors and the Chancellor of the Exchequer on the subject. They had a precedent in 1797.

Mr. Manning stated that the Bank had come to no collective resolutions on the subject, though each individual might have, no doubt, his private opinion.

Mr. Tierney said if no minutes were entered on the Bank books, they had used great forbearance, he had almost used another word. However, it would be satisfactory to him to have a return, though that return should be *nil*.

The Chancellor of the Exchequer thought the House ought to be contented with the statement given.

Mr. Manning explained.

Mr. Tierney thought it very strange that according to the honourable gentleman's explanation, the Bank Proprietors should instruct the Directors to communicate with the Chancellor of the Exchequer, and yet should not instruct them what they were to communicate—(*A laugh.*)

The question was then put, and negatived without a division.

The House adjourned at half-past one o'clock.

HOUSE OF COMMONS.

THURSDAY, JULY 18.

Mr. Wilberforce moved, that there should be laid before the House a copy of the condemnation of all property by the Admiralty in the Island called the Saints, in the West Indies.—Ordered.

ADMIRALTY COURT OF MALTA.

Lord Cochrane entered into a detailed statement of all the abuses which he conceived to exist in the Vice-Admiralty Court at Malta, and recapitulated the history of his imprisonment. He was suspected of taking down a table of fees there, and immediately seized and carried to prison. He did not go of himself, but they carried him. He was conducted to an odious prison, with a grated window—an iron door—a vile close-stool, and no other comfort than a broken chair! He was afterwards shifted into the keeper's room, and then brought before the Court, where a string of interrogatories were put to him, which he refused to answer, because he did not choose to criminate himself. He was afterwards re-committed to prison; and there was an affidavit, which he was ready to produce, that there was no proof, by the Judge's own admission, of his having taken down the table of fees. The noble Lord here went into a long history of the bad administration of justice in the Island of Malta, where the civil and military power was blended in one person. He was kept in prison, and it appeared to be the intention of the Judge, to keep him there till the departure of the packet with dispatches, and perhaps til the return of it with the answer from England. He, however, escaped; and there was a proclamation posted up all over the island, offering 2,000 scudi, that is 200*l.* for his apprehension. He did not wish to rely merely on his privileges, but he wished to know from the Speaker, whether the privileges of that House did not extend to colonies where the Courts professed to act on the law of England.

The Speaker, thus unexpectedly called upon, could not recollect any case similar to that cited by the noble Lord. He knew, however, of no means which the House had of enforcing its orders, except by its own officers; and there was no instance on record of those officers having been sent beyond the seas on such an errand. He never knew either that any Member was entitled by his privilege to go into a court of justice, and offer it a contempt, with impunity. (*Hear! hear!*)

Lord Cochrane then declared, that he had all the documents to substantiate his case ready at a moment's warning, and moved, "that a Committee should be appointed to examine into the conduct of the Judge, Register, and Marshal, of the Vice-Admiralty Court of Malta, together with that of their deputies." The noble Lord said those officers had violated the 45th of the King, the penalty for which was deprivation of office.

Some interval occurring before any one would second the motion,

Mr. P. Moore said he knew nothing whatever of the case, but from the noble Lord's statement. However, conceiving it would be a reflection on that House, if any member lost an inquiry for want of formality, he would second the motion.

Mr. Stephen complimented the honourable gentleman on this exertion of his benevolence. He seconded the motion, it seems because nobody else would do it. (*Hear! hear!*) Most charitable it was in him to protect this poor out-cast—this destitute orphan. In his opinion the Admiralty Court at Malta treated the noble Lord very properly; for, even on his own showing, he did not deny the contempt with which he was charged. On the contrary, he (Mr. S.) had to state, that when the Deputy Marshal brought him the mandate of the Court, the noble Lord pulled out a pistol, and swore he would shoot any one who would serve him with an illegal process (*Hear! hear!*).

Lord Cochrane again declared he was ready to prove all he asserted; and remarked how extraordinary a thing it was, that he never moved for an investigation in that House which had been granted.

Mr. Yorke thought this the most frivolous case which was ever brought before Parliament. If the noble Lord was wronged, why not apply to the proper source—the Admiralty Board? It would have been better for the

noble Lord to have kept to his ship, and not invested himself with a roving commission; and then, perhaps, he might have heard from the Admiralty in a very different way (*Hear! hear!*)

The Motion was then put, and negatived without a division.

PUNISHMENTS IN THE NAVY.

Mr. Brougham rose to make the motion of which he had given notice, for the production of the minutes of the Court-martial on Lieut. Richards, of his Majesty's ship Dart. He said, that about two years ago, this vessel lying in Carlisle-bay, Barbadoes, a seaman, as a punishment for some offence, was ordered into confinement, to which he objected, and in the course of it behaved so very indecorously, and made so much noise as to disturb one of the officers of the ship, who afterwards for this offence ordered another punishment, which he was sorry to understand prevails in the Navy; viz. that of gagging. This was done by putting a piece of wood into the mouth of the person, which prevents them from speaking, and in many cases, as it did in the present, brings on suffocation. In this instance a large piece of iron was put into the seaman's mouth, and fastened behind the head with a bandage, to prevent its being in any degree removable. The officer soon after ordering this punishment went on shore, and on his return he found the man was dead. Early the next morning the body, as he was informed, was, without any Coroner's inquest, ordered to be buried on shore. The officer was not put under arrest for this; but he mentioned that, as a circumstance to his credit, he did not attempt to escape. Whether the ship was at such a distance from the shore as not to be within the body of the county, he could not say; if she was so near the shore as to admit that inference, he ought to have been tried for murder by the Civil Power. As it was, however, he had been tried by a Court-martial, whether for murder or any other crime, he could not tell; but if the minutes of the Court-martial were laid on the table, the House would be able to ascertain the fact. Nothing but the very advanced state of the session could have prevented him from moving for a Committee to inquire into the punishments inflicted in the Navy; and he wished this to be taken as a notice of his intention to pro-

ceed in that way next session. The House had lately been engaged in an inquiry as to the military flogging in the Army; and if the information he had received were true, it would be equally necessary to turn its attention to the flogging in the other branch of the service—the Navy. He would not for obvious reasons at this time mention names, but about two years ago a certain Captain in the Navy had raised so great a discontent amongst the crew of his ship from his frequent and unmerciful floggings, that a man on board, who detested the punishment, and had once been flogged, was heard to say, if he was ever sentenced to be flogged again, he would leap overboard. The Captain heard this, and ordered him to be flogged; on which he actually leaped overboard, when on a murmur being heard through the ship of "*lower a boat*," the Captain said (he, Mr. B. spoke with doubt, and only according to information given him) "if the gentleman prefer that ship to mine, (*meaning the sea*) let him take it." No boat was, therefore, lowered, and the man was drowned: In the course of a short time two other men leaped overboard to escape flogging: one of them was, by great exertions, saved; the other was lost to the service, and to the world. On an examination into this affair afterwards, he understood, that two persons, who were actually at the time 250 miles distant from each other, gave exactly the same evidence respecting the declarations of the Captain on these occasions, which induced him to take up the question, as highly deserving inquiry and investigation. One person, of the name of Foote, whom he did not hesitate to mention, because it could do no harm, had kept an account of stoppages made against him; for doing which his Captain invented a most cruel punishment, which he had never before heard of. He caused the seaman's fingers to be tied as tight together as possible with a small cord, and then, that it might not be loosened even for the shortest time, he sealed the knot with his own seal. This was a degree of extreme cruelty, which at first inclined him to believe the account was false—however, he was assured of the contrary by his informant. After suffering this terrible punishment for five or six weeks, he received, by order of the Captain, five dozen lashes. Such information having been given him through respectable channels, and offered to be proved by persons near this House, he thought it his duty to bring it forward. One of these Captains, he was informed, had been actually engaged in

the Slave-Trade. With respect to these Officers, it was for the House to say what should be done—they were now abroad: and it might be attended with some confusion and inconvenience to the service, to order them home. In the case at Barbadoes, however, a Court-martial had been held, and the officer acquitted. With respect to military flogging, he understood an order had lately been issued against it, by the illustrious Personage who is now the Commander-in-chief, which did the greatest honour to his head and heart, and to which he was happy in an opportunity of speaking in terms of the warmest praise. He would not further detain the House, than to move, "That there be laid before the House, a copy of the minutes of the Court-martial held in Carlisle bay, Barbadoes, on Lieutenant Richards, of his Majesty's ship Dart."

Mr. Yorke said he could not help regretting that the honourable gentleman had referred to those anomalous cases which he mentioned after the first. He thought it was his duty, after having received such information as he had described, to have given immediate intelligence of it to the Admiralty, in order that those officers should be called to an account for their conduct; and he thought that he (Mr. Yorke) was bound in duty to call on the honourable gentleman, if he had possession of this information, to lay it before the Admiralty. He was very sorry the honourable gentleman had thrown out this without having so done; for surely those officers, if they had thus offended, should, as they deserved, be called to the severest account by that Board, which had it in their power to punish them effectually without troubling Parliament. He had no objection to the production of the minutes of this Court-martial; but he must beg the attention of the House to a few observations which he deemed it his duty to make on the occasion. He denied that gagging was (as the honourable gentleman had been informed) a common punishment in the Navy, but, if used, the officer so using it would be liable to be tried by a Court-martial. That it might have existed in particular cases, he could not deny; but it must be recollected, that on board ship, there are so many to be governed by so few, and at such distance frequently from any land, that punishments must sometimes be resorted to which are not conformable to the laws of society in general. The fact was, this was an instance of great cruelty; but the officer who inflicted it received for it

the utmost punishment the law would allow. He was tried for his life, but acquitted by the Court-martial of the murder, because it was thought he had no actual malice against the man; and farther, that the man did not die in consequence of the punishment alone. He was, however, held in such abhorrence for the cruelty, that he was dismissed the service, and rendered incapable of ever serving his Majesty again. The seaman who died was a very turbulent, noisy fellow, very apt to get intoxicated; and he was so much so when he was first confined, that he made the most unwarrantable noise, and blasphemed so loudly, and in such a shocking manner, as to require some farther punishment than confinement, by way of example. He was warned, that if he was not quiet, he would be gagged, but he would not listen to any thing. After the first gag was taken out of his mouth, he still persisted in making a noice; and then the officer, very improperly indeed, put a larger gag into his mouth, and went on shore without ordering a proper sentry over him. The man certainly died, but he was much intoxicated at and before the time. As to the Coroner's Inquest, an order was given that the body should be taken on shore, and it was actually put on board a boat for the purpose; but it was in such a state of putrefaction, that after some time the seamen in the boat were compelled, in their own defence, to throw it into the sea. The Officer had already been tried by a Court-martial; and, though acquitted of the murder, was dismissed, and rendered incapable of ever serving again. He thought the House would not be willing to try him again, but he had no objection to the production of the minutes moved for.

Lord Cochrane said, that in many cases there was undoubtedly too much severity; but in a general view of the subject, he believed there was as much humanity in the treatment of sailors as could be reasonably expected. If men enough could be induced to enter voluntarily in the Navy, he believed that there would be no occasion for such severe punishments; but when convicts, and persons unfit for any society on shore, were sent on board ship as sailors, severe and summary punishments were necessary. He allowed that *gagging* was rather a cruel punishment; but if a notorious *drunken scoundrel* would sell his things to buy other men's allowance of grog, and disturbed by his noise that part of the crew which ought to be allowed to sleep, he thought it humanity to the crew that such a fellow should

be *gagged*. He had known a vessel in which the crew were under very good discipline, and where there were no other punishments but such as were considered disgraceful; but he knew that according to the general course of things, and considering the variety of persons assembled on board ship, it was impossible to preserve discipline without summary and pretty severe punishments. As to the Army, although he must speak with more diffidence, he believed severe punishments might be dispensed with, when the soldier was within the jurisdiction of the laws of England; but upon foreign service, he was sure that it was absolutely necessary that the officers should have power of inflicting severe punishments, if necessary. He considered, that finding out a way for the Navy to be manned by volunteers would be the only effectual remedy.

Sir F. Burdett thought it extraordinary that there should be any objection to granting the minutes of the Court-martial, which was the only evidence upon which the House would be able to determine. He thought his honourable friend (Mr. Brougham) had exercised a proper discretion in not mentioning the names of those who had given him the information in the anonymous cases which he had stated. Complaints of abuses were always so unpalatable to men in power, that he could not be sufficiently assured, that giving up their names would not expose them to some resentment from those persons who had the power either to serve or to injure them in their profession. The simple question was, whether the minutes of this Court-martial should or should not be granted, and he had heard no sort of reason for withholding them. He had felt so strongly on this question of military punishments, that he hardly conceived himself to be quite impartial on the subject, and thought he might be inclined to look on those cases, in general, with a degree of suspicion. It was however, evidently fair that the judgment of the House should be formed on the whole evidence, and not merely on those parts which the gentlemen on the other side chose to select. By the common law of this country this case would probably be considered a foul murder. He did not know whether an acquittal by the Court-martial protected the person from being tried again at common law.

The Attorney-General said, that the anonymous cases had no bearing at all upon the question before the House. He thought, however, that the effect of stating such cases,

was to raise an opinion in the public mind, that great abuses did exist in the Navy, while at the same time no opportunity was given of examining whether that was really the case or not. It appeared from the speech of the noble Lord (Lord Cochrane), that this species of punishment, or rather of discipline, was not very uncommon in the Navy. In the present case it was allowed that it had been very improperly applied, and the man died. The Officer was brought to trial, and acquitted of the murder, but was convicted of cruelty and oppression. As he had, however, a verdict of acquittal when tried by a competent tribunal, he could not a second time be capitally questioned for the same offence. What, then, was the object of the motion? There was no charge of corrupt practices or misconduct in the Judges who tried him. The death of the man might have been occasioned by other causes. He had himself happened to try a case where a man, who had received a most severe beating, shortly after died; but it appearing that the man laboured under a disorder at the time, it was a question fairly to be left to the Jury, whether the death was produced by the beating. He therefore saw no ground for imputing impropriety of conduct to the officers who presided at the Court-martial, nor did he see any grounds for making this a subject of discussion.

General Tarleton disapproved of bringing forward such questions as the present. As to the Army, he was perfectly convinced that it was necessary that officers should have the power of ordering severe military punishments for great military offences. He allowed that the best regiments he knew were those in which there was no flogging. But still he would not for that reason abolish the power of inflicting it, for he was convinced that there were cases in which it was absolutely necessary.

Mr. P. Moore was surprised that there should be any reluctance in producing those minutes, if their production would not criminate any person. As to the practice of *gagging*, although it seemed to be in some degree justified by a noble Lord, he could not bring his mind to think it either necessary or proper. He had sailed in large ships, where there were very riotous men on board, and they knew how to manage them without *gagging*. They could put them in such a part of the ship, that the winds of Heaven could hear no noise from them to disturb the rest of the crew, or passengers. He therefore, from his own ex-

perience, would say, that in any thing of a large ship, such a noisy drunken person, as described by the noble Lord, could be managed without being subject to such a cruel punishment. But when men chose to go to sea, they must compound for a good deal of noise and irregularity, and they should learn to submit and accommodate themselves to it. He remembered to have heard it stated at Doctors Commons by a learned Judge, that even when ladies were on board ship, they must submit for a time to behaviour very different from that which their delicacy would expect on shore. So far from considering that questions of this sort would have any bad effect, he expected that they would produce a great deal of good: and as from the statements of the honourable baronet (Sir F. Burdett) in that House, great good had arisen, and many humane proclamations for the government of the Army, so he expected that from motions like the present, better regulations would be made for the government of the Navy.

Mr. Croker rose merely to speak to two points. The first was, that as the honourable baronet (Sir F. Burdett) has asked, would any one come forward and assert that there would be no prejudice in the minds of the Admiralty against any person who gave informations as to the murders mentioned in the cases stated by the honourable gentleman (Mr. Brougham)?—he now, after having consulted with the Lords of the Admiralty who sat near him, would come forward and say most distinctly, that there would be no prejudice on that account. He would assert that that body had every disposition to hear and examine every abuse complained of in their department, and that they would feel no displeasure against any man for giving them information upon those points. He knew individuals who had received the thanks of the Admiralty for similar informations. If, after this assurance, the honourable gentleman still felt any objection to mention names, if he would only give information to the Admiralty of the ships in which such transactions were alleged to have taken place, the names of the men that died, and something near the date of the transaction, the Admiralty would, upon that information only, take care to sift those cases to the bottom. Since he had held his present situation, he could take upon himself to assert, that there was no complaint made to the Admiralty of abuses, not even an anonymous complaint, which was not diligently investigated. He should take

this opportunity of stating, that the noble Lord (Lord Cochrane) had been quite incorrect in stating a practice of sending convicts on board ships of war. That practice had ceased for between two and three years, and the Lords of the Admiralty would not now receive them. This inaccuracy shewed how cautious gentlemen should be in making assertions of this nature.

Mr. Brougham, in reply, said, that he had not yet heard a single argument against the production of these minutes. If it had been stated that there was any thing in them which would be detrimental to the public service to disclose, as giving some information to the enemy, this would have been some answer. Besides the officer, there were two parties—the Court-martial and the Admiralty. It was his opinion that Lieutenant Richards ought not to have been tried by a court-martial, but that he ought to have been tried by the Admiralty jurisdiction at the Old Bailey, where a Jury would have probably formed a different opinion of the case. As to prejudice, he did not mean to direct this charge exclusively against the present Ministers; but from his opinion of human nature, if his own friends who surrounded him were in power, he would be equally jealous of their entertaining a prejudice against men making complaints, and would hesitate to give their names. He however most gladly closed with the proposal of an honourable gentleman (M. Croker), and would certainly give the names of the ships, of the men who died, and as nearly as he could, the dates of those transactions.

The Chancellor of the Exchequer was a little astonished, that the honourable gentleman should have such an opinion of his own friends as to suppose, that if they were in power, they would feel a prejudice against persons who gave them information of foul murders committed on board his Majesty's ships. He thought that his view of human nature was, in this respect, somewhat extraordinary, and he hoped that he did not find any thing in his own mind to warrant him for taking such a view of it. It appeared to him, that very sufficient reasons had been adduced against the production of those minutes by those who stated that no grounds whatever had been laid for calling for them. He did not much approve of that sort of delicacy which abstained from mentioning names; because, while no individual was mentioned, a general charge seemed to be thrown on the whole service. It was possible that some men might really

fear, that in giving informations they would expose themselves to prejudice; but it was full as likely that this was a mere pretence, which served as a mask to those who wished to propagate their calumny and slander without the risk of detection and exposure. He should caution the honourable gentleman, that informers of this sort, who desired their names to be concealed, ought to be received with great suspicion and doubt. He concluded by moving as an amendment, that, instead of the word "minutes," the words "sentence and charge" should be inserted.

Mr. Brougham declared, that he had received the information originally with great suspicion and doubt, and by no means readily lent himself to every body who chose to make complaints.

Sir Francis Burdett thought that his honourable friend had exercised all the judgment and patience in investigating this information that could be recommended by the honourable gentlemen on the other side. As to the prejudice which appeared to exist against men who made complaints, he must observe, that it was rather singular that Admiral Montague was recalled from his station immediately after he had transmitted a memorial of complaint.

Mr. Ward rose with considerable warmth, and said, that this assertion was like the many assertions that the honourable baronet (Sir F. Burdett) was constantly making in that House, and which were quite contrary to the fact (he did not mean intentionally.) Admiral Montague was not displaced on account of transmitting a memorial of complaint, but had been much longer on that station than was the regular course of the navy.

Sir Francis Burdett conceived the honourable gentleman had no right to speak in the manner he had done of the assertions he made in that House. He had not asserted that Admiral Montague was displaced for transmitting a memorial, but he had remarked on the extraordinary coincidence of his recall with the time he had sent in that memorial.

After a few words from Lord Cochrane, and the Attorney-General, the question was put on the amendment of the Chancellor of the Exchequer, which was carried without a division.

The Militia Interchange Bill went through the Committee, was reported, and read a third time.

GOLD COIN BILL.

On bringing up the Report upon this Bill,

Lord A. Hamilton rose; but finding that there was an understanding, that there should be no debate on the Bill this day, he said he should move an amendment when the report was received,

The Report was then brought up, and received.

Lord A. Hamilton, after a very few observations, moved his amendment, which was, in substance, "to prevent the Bank from deriving additional profits from issues in consequence of this Bill, or from making any larger dividend than had been already made; and enacting, that all further profits, instead of being divided among the Proprietors of the Bank, should be accumulated as a fund for the security of their creditors."

Mr. Baring did not see how the present Bill was to give additional profits to the Bank. He, therefore, thought this clause quite unnecessary.

The clause was then negatived, and the Bill was ordered to be read a third time to-morrow.

Mr. Secretary Ryder presented a declaration of her Majesty's Council on the state of the King's health.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, JULY 19.

Mr. Prior, from the Bank of England, presented, agreeably to order, an account of Bank of England notes in circulation on Saturday the 6th, and Saturday the 13th of July last. Ordered to lie on the table, and to be printed.

A person from the Navy Pay-office presented, agreeably to order, a copy of the correspondence between the Treasurers of the Navy and Messrs. Cook and Holford, relative to the Fisgard. Ordered to lie on the table and to be printed.

GOLD COIN BILL.

Mr. Perceval having moved the third reading of this Bill;

Mr. Brougham begged leave to put it to the right hon. gentleman, whether he would not agree, as seemed to have

been understood on a former night, to postpone the third reading of this Bill till after the discussion of the Resolutions on the subject of finance, of which he (Mr. Brougham) had given notice for this day. He was the more anxious on this subject, lest, in the event of the Bill being passed to-night, there might be no time, at the hour to which the Bill might be disposed of, for going into his Resolutions, which he wished should appear on the Journals.

Mr. Perceval submitted that his honourable and learned friend had a good opportunity of arguing the points in his Resolutions in the course of the debate on the third reading of this Bill, the two being so much connected together. They fell naturally to be considered in the same debate, and whether the Bill passed or not, it would be in the power of his honourable and learned friend to have the sense of the House collected and recorded on the subject of his Resolutions.—This, he understood on a former night, fell in with the views of his honourable and learned friend himself.

Mr. Brougham said, this surely was not consistent with his understanding of the matter. He had already delivered his opinion on the subject of this Bill, and did not wish to say any thing farther upon it. But at the same time, if he was afforded the opportunity of having his Resolutions put on record, he had no objection to what the right honourable gentleman proposed.

On the question that this Bill be now read a third time;

Mr. George Johnstone rose. It was with considerable reluctance that he felt himself called on to differ from his right honourable friend below him (Mr. Perceval) on every stage of this Bill; but, consistently with the opinions he had expressed on the subject of the Bank Restriction, and on the debate on the Bullion Committee Report, he found it impossible to assent to the present Bill. Nothing was so dangerous as to disturb the nature of all the property in the country, which would be the effect of the present Bill. What was the fate of every country which made paper currency a legal tender?—Certain and absolute ruin. Yet this was in contemplation as an ulterior part of the present measure. To make a man take paper for his goods was to deprive him of his natural rights, and was an unjust interference with the right of every person to deal as he chose with his own property. The present Bill could have no

effect but an effect of mischief. It went to throw a discredit on all bank-paper, which had never stood in law, but in confidence only. Gentlemen said, could our paper currency be compared with the French assignats? True, it could not at present; but let it be recollected we were now only entering on the course; we were now only beginning the system. Was the Bank solvent only if Government was solvent? If only so, then must the two stand or fall together, and our paper issues must go on progressively, till Bank paper became no better than the French assignats; and the evil must cease only when the system could no longer be persisted in. Who could look at the idea of paper becoming a legal tender without horror? Traders might not disapprove of the measure, because their stock of goods on hand must increase in value as the paper currency became depreciated. But what a grievous injury must it be to those who had a fixed income! Great and unmerited reflections had been thrown out against the noble Lord (King), who had given rise to this discussion. For his (Mr. Johnstone's) part, he thought, on the contrary, that he was entitled to thanks rather than to reprobation. He would honestly confess, that for the last three years, during which the depreciation had been going on, he had repeatedly thought of demanding payment of debts due to them in cash; and it was only a sense of his own insignificance, standing, as he might have done, alone. The unjust burden which the demand made by the noble Lord was supposed to throw upon his tenants, or which tenants throughout the country would suffer, if his example had been universally followed, was altogether imaginary. It would not fall on the tenants, but on the country bankers, from whom, on every just and reasonable principle, it should be exigible. Supposing that a loss of fifteen per cent. were thus incurred, would it be fair to absolve from it those country bankers who had, for the last twelve years, been making such profit of the money of their customers in their hands? Now that payment in cash was demanded of those customers, what could be fairer, than that they should go to their bankers, and compel them to fulfil the condition under which they were authorised to issue notes, namely, paying in cash, three days after demand? The right honourable gentleman (Mr. Rose), in his calculation of our circulating medium, had entirely overlooked the notes of country bankers. He (Mr. J.) however had docu-

ments in his hand which went to shew their amount, as ascertained by the quantity of stamps purchased at the stamp-office for those notes, and from which it would be seen that the quantity now in circulation amounted to no less a sum than thirty-three millions. Taking, therefore, the amount of our circulating medium previous to the year 1797, as it was stated by the right honourable gentleman, and supposing gold to have equalled the excessive calculation put upon it, namely thirty millions, bank paper eleven millions, and country bankers' notes seven millions—in all forty-eight millions, and comparing it with the amount of the present circulating medium, namely, bank paper twenty-three millions, country bankers' notes thirty-three millions, and gold five millions—in all sixty-one millions; it appeared that our circulation, instead of being diminished, as the right honourable gentleman said, had increased thirteen millions. The honourable gentleman proceeded to shew, by a comparison of the value of wheat with that of gold, that gold had, within the last fifteen years, suffered a depreciation, on that comparison, to the amount of forty per cent.—Specie, he contended, as compared with any article the produce of human labour, instead of having risen, had greatly fallen within the last fifteen years. There were only two things, he maintained, as against which gold exchanged for more than formerly;—silver, on account of the increase of that metal in consequence of the silver mines, and bank paper, on account of the excessive issues of it. If there was no depreciation of bank paper, where was the wrong, the injury, or hardship, in asking that rent should be paid in gold more than in paper? The universal power of obtaining more for guineas than for bank-notes, shews that a depreciation must have taken place. The moment a man can get more for the one than he can for the other, then there is a depreciation; and when there is a depreciation, to pay the public creditor in that depreciated article is a substantial wrong. That is now the case, and the House was going on doing wrong. An honourable gentleman the other night referred to an issue of paper currency in America, while connected with this country; but he forgot to tell them the result, and that it had been resolved by an Act passed in the Parliament of this country that that artificial circulation should be put an end to. There Parliament was providing for a case in which they felt no personal interest, and there,

therefore, they consulted what was for the interest of the country for which they were legislating. Great ridicule had been attempted to be cast on an honourable and learned gentleman (Mr. Brougham) for saying that guineas would find their way into the country if they were allowed to find their value as against bank paper. He contended the honourable and learned gentleman was correct. It is not necessary for a great nation to send for guineas on purpose; in the course of trade they must and will come. In four counties in Ireland where there is an indispensable necessity for gold, there gold is to be found, and so long as it is necessary there it will be found. Gentlemen talked of the unparalleled state of things. What the absurd resolutions of Sovereigns might have effected it was not for him to say, but this he would say, that the trade of this country with the Continent of Europe had never been more flourishing than for the last two years. In 1805, our exports were twenty-five millions. In 1809, they were thirty-five millions British, and fifteen millions Colonial: and in the year 1810, they were thirty-four millions British, and upwards of ten millions Colonial; being in these two years an increase of one third. The real value too, was in an equal proportion. In 1805, the real value of our exports was fifteen millions; in 1809, it was twenty-three millions; and in 1810, upwards of twenty millions. So, instead of a falling off, here was a great and substantial increase. It was said, "True, these goods are gone from this country, but they are still unsold, they are in a *dépôt*" This, he said, was impossible: no person should make him believe it, particularly as it was to be observed that this increase of our exports was for two years. In one article, namely, that of coffee, this might be the case; for he observed, that in the year 1809 the amount exported was five millions, and in 1810, only 1,400,000*l.*; but it could not be, as in the great article of cotton, in which the amount exported amounted, in each of these two years, to eighteen millions. —He presumed he had shewn, beyond a doubt, that this could not be the operative cause. What then did our distress proceed from? It was, he contended, from bringing into this country Colonial produce, and manufacturing goods more than we required, or could use. If we were resolved to glut our markets, and to have twice as much of every article as was necessary, we might expect a stag-

nation. Our disease was a commercial repletion. One party in this House ascribed the present situation of commercial distress to the orders in council. The other, to the state of trade, and the rate of exchange being turned against us. He contended that it was attributable to neither of these causes in any thing like the degree in which it was to be attributed to the cause he had mentioned. The tone of the right honourable gentleman (Mr. Rose) was now much changed from what it was at the commencement of last session. Then we were told that the state of our trade was highly satisfactory, and that the measures of the French against it had wholly failed of producing the effect proposed. But, when the right honourable gentleman found that the rate of exchange was against us, then he changes his tone, and tells us that this arises out of commercial embarrassments. To think that this great country should require the artificial aid of banks was absurd; Ireland, where there was only a paper currency, was poor and wretched; where the payments were in cash, there it was flourishing and happy. To talk of a paper currency carrying on a war was absurd, that could only be supported by a surplus of trade and commerce. We might make a sacrifice like the French, indeed; we might level all orders; but that was not our object. The great burden on us, a burden which would not allow us to move, was our great funded debt. It was said, we should equalize our expenditure and income; but how was this to be done? The difference between the two was thirty millions; and even if the balance of the sinking fund, being twelve millions was deducted, still there was a difference of eighteen millions. We could not expect to provide for that. The way was to fund a large part of our outstanding debt of forty-five millions, to pay the Bank the three millions last borrowed from them, and to see what effect that would have in enabling them to resume their payments. The House had itself to blame more than the Bank, in taking from them the last loan of three millions, if it was only to be a creation of so much more paper. He concluded by giving his hearty negative to the Bill.

Mr. Lockhart said, that he conceived the circumstance of the exclusive use of coin on the Continent, to account for the unusual demand which existed there for it. He had examined the state of the foreign exchanges since the year 1756, and had not been able to find a single considerable fluctuation that was not fairly attributable to political

causes. But now when our warehouses were full, and all the ordinary vent on the Continent was stopped by the tyrannical decrees of the enemy, he considered the depression to be no greater than must naturally be expected to result from such a state of things. With respect to the statement of his honourable friend, of the relative prices of wheat, he had to observe, that in the last ten years there had occurred several years of severe scarcity, and the average of that period could not therefore form a fair ground of comparison. The amount of our exports had undoubtedly increased, but it did not necessarily follow that the balance of payments was turned into paper. A large portion of the goods sent abroad had been destroyed, and another part never paid for. It appeared to him that the tenant would have no possible means of paying in gold, unless he could get gold from his customers, which he conceived to be impracticable. In this way he might be compelled, if not protected by the law, to carry on his sales through the aukward and tedious process of barter. He was happy, however, to have it in his power to state that the distresses among the Lancashire manufacturers, arising from the peculiar nature of the cotton trade, had not visited the manufacture carried on in the city which he had the honour to represent.—He was not disposed to indulge those despending views of our internal affairs, which some gentlemen entertained, on reflecting that the sinking fund, which had already redeemed 200,000,000*l.* of the national debt, would this year amount to 14,000,000*l.* sterling; and that even with respect to the unfunded debt, which was about 45,000,000*l.* the war taxes were already pledged in security for it.

Mr. Western wished to state, shortly, the reason which would induce him to enter his protest against the principle of the Bill. It was a measure which he could not but consider as annulling all faith in contracts, as infringing all the legitimate rights of property, and as violating what no human power was justified in violating, the natural privileges of wealth and industry. *(Hear! hear!)* It had been long the boasted character of the British Legislature to act on universal principles of probity; this character had, in his opinion, formed the foundation of our commercial greatness and prosperity, and it was this character which the provisions of this Bill would go to undermine and destroy. The first enactment of the Bill prohibited the selling the

current coin for more than its nominal value. This he looked upon, in the first place, to be an attempt to do what was impossible, viz. to prevent the coin or currency of any country from finding the level of its real value. By this clause, if an individual debtor should be desirous of paying his creditor the full amount that was due, without taking advantage of the depreciated nominal value, he would be legally prevented. The law interferes to prevent him from paying bank-notes at their real value. (*Hear! hear!*) Those who denied the depreciation to exist, would yet admit it to be possible; and supposing it therefore to exist, was it proper that a tenant should be subjected to penalties for paying what was the true and equitable amount of his debt? (*Hear! hear!*) Suppose also the case of a landowner, whose estate was held under a mortgage, he by letting no leases would obtain a rent much higher than the interest which he would render to the mortgagee. This must prove the source of infinite injustice and inequality, and it was of importance to consider where it was to stop. (*Hear!*)—Lord King had shewn it to be his opinion, that the time was come when it behoved him to make a stand against its further progress. The justness of this opinion had been disputed; for his own part he approved of it. But it was not only persons of landed property who suffered by the depreciation; all people of fixed incomes, the Army and Navy suffered in the severest manner by the increasing prices of every commodity. (*Hear!*) The traffic in coin had been said to be confined to Jews. But even if so, he regarded even this species of traffic as evidence of the depreciation. It was, however, much more extensive. He had himself lately had a conversation with a little landholder, who informed him, that as executor and trustee he had a short time ago come into possession of a considerable sum in gold, and being desirous of turning it to the best advantage, he found no difficulty whatever in doing so. He mentioned this to shew that the practice, far from being confined to a few, had extended itself pretty generally through the country. (*Hear!*) The right honourable gentleman opposite had asserted, that there was nothing more than an artificial depreciation. This he could not understand, but he was sure that the relative price of wheat proved that it was real. The honourable gentleman (Mr. Lockhart) had said, that in the last ten years there were years of scarcity. These years, however, had been omitted

in the calculation. If, as had been asserted, commodities had risen all over Europe, what was this but saying, that gold had fallen all over Europe? (*Hear!*) He had thus stated his principal objections to the Bill—first, that it did not meet the object it professed to have in view (for the mention of Lord King he considered as a mere pretence), since it prevented the tenant from having more than the nominal value of the notes, and then left him exposed to an ejectment. He believed too that its general principle was destructive of the whole system of paper credit, and of the basis of all the financial prosperity of the country.

Mr. Rose said, that as the honourable gentleman had declared that the prohibition against selling coin for more than its value, was an infringement on the right of the subject, he begged leave to say that it had always been the understood law of the country. (*Hear!*) By searching into the Rolls of Parliament, he would not say the Statute-book, it would evidently appear that this was the intention of the Legislature. (*Hear! hear!*) He did not mean to impeach the judgment of the Judges, from which he understood two had dissented ('*only one*,' *from the Opposition.*) He believed two, and the two Chief Justices. (*Hear! hear!*)—The purpose of this Bill, therefore, was, to supply what had been hitherto deemed to be law. It was to protect the tenant against the unequitable demands of his landlord. (*Hear!*) It was his firm conviction that the great recent rise in the price of all commodities, was chiefly to be ascribed to the last alteration in the corn laws, an alteration which the honourable gentleman had, notwithstanding his (Mr. Rose's) opposition, prevailed on his late right honourable friend to consent to. He did not throw any imputation on Lord King; but his example might be followed by those who might wish to exact from, and oppress their tenants. He denied that the annuitant suffered by the paper, or that he could fairly or properly get more for guineas than bank-notes. Gold was at 4*l.* per ounce at the beginning of the last century, and was only 4*l.* 12*s.* now. Our exports certainly had increased during the last two years, but our imports also had increased; and while the latter were punctually paid for, the former were exposed to confiscation, fire, and enormous duties. We had paid in the last year seven millions for freight, besides an immense sum for corn imported. When all this was connected with our large foreign expenditure, (*Hear! hear!*) he conceived the fall in the

exchanges to be fully explained. The right honourable gentleman then entered into a statement to corroborate his former calculation of the amount of currency being as large before the Restriction as at present, while our commerce had since doubled. He declared that he had no objection to the principle of fixing some limit to the Country Banks, and instanced Lancashire as a great trading county, in which there were few or none. With respect to what had been said of the Unfunded Debt, the interest paid on it was less than five per cent. and that on Exchequer-bills, instead of 3¼, had fallen lately to 3¼.

Mr. Wilberforce said, that while he agreed in certain points with those who supported the present Bill, and concurred in others with those who opposed, there were at the same time other views of the question in which he had the misfortune to differ from both sides; and first, he was ready to admit that while such apprehensions were afloat in the public mind in consequence of the conduct that led to this discussion, that the Government must have felt the adoption of some expedient to prevent great general distress and confusion, indispensably necessary. (*Hear! hear!*)—Of the conduct that compelled the Government to resort to such an expedient he was willing to say little, but this much he could not well avoid saying, that of all others he should have least expected, that a noble lord of the high rank, finished education, and just pretensions of Lord King, should have thought it wise and fit to resort to such an experiment—(*Hear! hear!*)—He was ready to make every allowance for the good intentions of the noble Lord; but the noble Lord was bound to have reflected that a variety of persons in an humbler sphere of life, and whose sole motive was the sordid one of gain, might be glad hereafter to shelter themselves under the high authority of the noble Lord, and push his example to the extent of a mischievous and criminal abuse of it. (*Hear! hear!*) Such men might talk very profusely about political economy, while they had nothing else but private emolument in view. In such circumstances, therefore, it became the bounden duty of the Government to do something, and so far he agreed with the supporters of the Bill: but when these gentlemen would go farther, and instead of looking upon it as a temporary expedient to gain time, *Spatium requiemque doloris*—when they would represent it as more than this, as something that could permanently counteract depreciation, then indeed he thought it but fair

to say, that his support of the measure was grounded in no such expectation; that he looked upon it merely as a temporary expedient, which extreme urgency had rendered indispensable, and that as such he gave it his support. In adverting to the Bank Directors, he did not see that it had been clearly made out, though so often and unfairly asserted, that these gentlemen did actually derive any material profits from the increasing profits of the Bank. With respect to the immediate effects of this Bill, in defending the tenantry of the country from the mischievous consequences it was provided to guard against, he thought that so far the Bill would be completely effectual. The evils which might otherwise ensue, came so home to men's business and bosoms, that it was impossible to hesitate to provide against their occurrence. In looking dispassionately at the nature of those evils, it was impossible not to see the necessity of consulting in every department of the state, as far as it was possible, the principle of a wise and general spirit of economy. (*Hear!*) At the same time he admitted that the Administration, be they who they might, who were charged with the defence of the country, might feel it impracticable conscientiously to retrench those expences which were resorted to in the prosecution of that great object. In concluding, he adverted to the menacing aspect of affairs in America, and deplored the gloom that was spreading over the Western horizon. He trusted that the misfortunes of a new war were not to be aggravated by a contest between two nations who might be said to be of the common children in the same old family, and participating as brothers in the inheritance of the same common liberty. He concluded by stating that the Bill, as far as it went, should have his full support.

Lord Cochrane said, that the gentlemen who had as yet spoken on this question, confined their observations to the general effects rather than the originating causes of the depreciation of our currency. To those originating causes he intended to confine whatever he should offer to the House —and he thought, in the first place, that nothing like a temporary expedient or a local remedy could be productive of any salutary effect.—No topical application could cure an aneurism in the heart. Lopping off the branches, could not cure a disease in the root. The three originating causes arose out of the following circumstances—first, the commercial relations of the country; secondly, the great increase

of expenditure, arising out of the enlarged scale of our military exertions; and thirdly, the increase of expenditure arising out of our supplies to foreign powers. With respect to our commercial relations, he contended that every article sent out of this country for sale, sold cheaper in the foreign market than its first cost at home. The bills paid at Lisbon by our Government Agent at that place, now paid a discount of 38 per cent. With respect to Sicily, he thought the Government might pursue a very different line of conduct, and one that would be much more advantageous to Sicily and to us. He contended that Sicily was quite capable of defending herself. She did not want a single soldier from us, and would be able, with the help of our Navy, to maintain herself against the enemy. At the same time, he could not help remarking upon the extraordinary nature of the assistance we gave Sicily—we were defending her against her own Government—we were defending her against the people, who abhorred that Government. There was not under Heaven a more despicable and degrading tyranny than that of the Sicilian Government. He had been there, and he knew it to be such. He had heard too, that the money which was wasted by this Government in remittances to Sicily, was applied by the Queen of Sicily to betray the English interest in that island to the French.—If the tyranny and vices of the Government of Sicily were so abominable—

The Speaker—"Does the noble Lord conceive that an inquiry into the errors of the Sicilian Government can be justly said to bear upon the present question, according to the known usages of debate? (*Hear, hear, hear!*) I was unwilling to interpose as long as the noble Lord was pleased to keep within the widest limits prescribed by the ordinary rules of debate." (*Hear! hear! hear!*)

Lord Cochrane said that he should wave that part of his speech respecting Sicily; but with respect to Portugal, a government that was just as bad, if not worse, he said that there was not a soldier we sent to Portugal or Spain, that did not cost the people of this country 10*s.* 3½*d.* a day. This was one cause of the depreciation of our currency. In fact, it was our Ministers, and not De Yonge, who were sending the coin out of the country, to maintain an army on the Continent to cope with forty-nine millions of people.—He was convinced that with one half of our present naval means, and one tenth of our present army, it might be pos-

sible to reduce the power of Buonaparté to almost nothing. He would advise his Majesty's Ministers to follow the counsel which Demosthenes gave to the Athenians. (*A laugh.*) Had Ministers ever read the First Oration of Demosthenes, he thought it quite impossible they could have ever acted in the way they had done; they would not have attempted to cope with myriads. It would be remembered that Buonaparté's threatened invasions put this country to an enormous expence, in removing troops, artillery, &c. from one part of the country to another; yet when it was considered how limited his means were for transportation of troops, compared with those of this country, and yet that he by his threatened invasions had put us to such enormous expences, could we not, with our great naval means, do him infinitely more mischief? With 10,000 men under the direction of a naval officer, or under the direction of the winds, or, in short, of any thing but his Majesty's Ministers, it might be possible. [Here his Lordship was interrupted by repeated calls to order, and he was informed by the Speaker, that if he persisted in his present course of argument, he would incur the displeasure of the House.] He wished merely to show how great our present expence was, and that were we to occupy 10,000 men in the way he had pointed out, our expences would be very small. He had no other motive, he declared upon *his* honour and before his God. He thought our expences essential to the present question. He had no interested motives of any kind, and he did not wish to be employed in any way. (*Cries of Question!*) He would take an opportunity, the first time the House met, to call their attention to the way in which the war had been conducted. The whole of the depreciation originated in the profligate way in which Ministers squandered the public money. He was not prepared to show this at present, but he would do so then.

Mr. Taylor agreed with the honourable Member for Yorkshire, that we had at present but a choice of evils, and that it was not in the power of Parliament to make what was unequal in value equal in currency. He then went into an account of the different states in which there had been an excessive paper circulation. He asked what was in bank-notes which could preserve them from a depreciation arising out of excess? Could you depreciate Exchequer-bills and yet not depreciate bank-notes?

Mr. Herbert could not agree with the hon. gentleman

(Mr. Wilberforce), in thinking that the measure of an individual merely exacting payment of his just debts would dissolve all the links of moral society; and he thought that such a dissolution would be much more likely to result from the present Bill. He shewed the possibility of continuing the practices struck at by this Bill, by buying gold with the notes of Country Bankers, and by sending gold to Ireland. He thought that Country Bankers, before experiencing any relief, should be obliged to pay a certain proportion of their issues in cash.

Mr. Peter Moore said, that he had taken no part in the the discussion on the Bullion Committee question. He thought, that so long as the subject did not murmur, it did not become the House to interfere. In this opinion he was sanctioned by the hon. Member for Yorkshire, who generally went deeply into every subject, and considered it in all its bearings. He had expected from the Chancellor of the Exchequer, on the second reading of this Bill, a state of the country at present, as that subject fell now immediately under his department. In this, however, he had been disappointed. Indeed, all their information on this subject was derived from the Treasurer of the Navy. The Restriction Bill in 1797, like the present Bill, was declared to be temporary; but how many temporary measures, have, in the most insidious manner, been converted into perpetual measures? It had been renewed from two months to two months, till we had got the present length, and till we did not know how to turn ourselves. (*Hear!*) He hoped the House would indulge him till he traced the steps by which the country had got into the present difficulties. He then went into a history of the several renewals of the Restriction Bill. The Bank, however, had come forward, and stated their willingness to have the Restriction Act repealed. This was stated in a Report to the House, which was presented by an hon. gentleman of the name of Bragge; and he remembered it had been said then by a right hon. gentleman behind him (Mr. Sheridan), on the proposal of the Bank not being agreed to, that "Bragge was a good dog, but Holdfast was a better." (*Laugh.*) He said there had been a system of fraud practised on the public mind since 1793, not by any particular Administration, but by all Administrations—it was a dove-tailed continuation of the same system. He had no hesitation in saying, that thirty-six millions of specie were to be found at present in this country;

it was nonsense to talk of the ship-loads of gold sent off to the Continent.

Mr. Sheridan would not attempt to take up the time of the House, but for his having been almost called on by the speech of an honourable gentleman (Mr. Moose). That gentleman had gone so far as to say that he would rather he (*Mr.* Sheridan) had spoken than himself:—a singular compliment; when, in fact, his (Mr. Sheridan's) speech and opinion must be the direct contrary to those of the honourable Member. One of the allusions was to an humble joke of his on the name of a Member of the House. That gentleman's name was Bragge, and he was Chairman of a Bank Committee who declared their readiness to pay in coin, if political circumstances might not make it inexpedient. Mr. Pitt was loud in his praise of the conduct of the Bank, and full of rejoicing at their solvency; but then, he said, there were political circumstances of that precise nature which would not admit the Bank to shew their spirit in any thing but their speeches. The observation on that was, that "Brag was a good dog, but Holdfast was a better." As to the main argument before the House, his opinion was clear, that pressing the Bank to pay in gold at the present moment would be injurious; one of its first effects would be to make it narrow its discounts: and let the House pause before they urged a measure which might be fatal to the whole trading body of the country. In another point of view, why was the tenant to be forced to pay in gold, when he was forced to receive his payments in paper? (*Hear!*) The result of forcing the country bankers to pay in gold, would produce a ruinous confusion in the whole of our internal commerce, and it would be rashness and folly to urge the measure. The cry, on the other hand, was, the ruin of credit; but who would believe that cry now? He (Mr. Sheridan) was become shy of attempting to turn prophet on the ruin and confusion of public credit. It was wonderfully long-lived; it had a miraculous faculty of deceiving the most zealous prognosticators of its death. He (Mr. Sheridan) had once busied himself a little in the debates which occurred on the Restriction, and he had offered resolutions, and even ventured to prophesy; but he believed he was now grown wiser. At a subsequent time, he had stated that seventeen millions a year would be enough for a peace establishment. Mr. Pitt said, that fifteen and a half would meet every purpose; and seventeen million was actually at

that time surveyed as a most enormous calculation. It was said that the country must sink under the weight inevitably, without hope of redemption or chance of recovery. But now, and let the House look to it, now, after pressure, and plenty, and suffering, and even in spite of prophesy, let the House look to the seventy millions a year, raised on the people, without a diminution of their power, or their wealth, or their happiness. (*Hear!*) Let it look to the present state of the metropolis, its growth, its splendour, its contrivances, its innumerable expedients for luxury and comfort; and then let them talk of the decay of public credit. (*Hear!*) He was surprised and pained to see any thing like party-spirit on an occasion of this nature. It was not a thing for party-spirit. It was not a subject on which it was possible for men to come to a peremptory and marked difference. The subject was uncertain; the conclusion was not capable of an exact view: and when men attempted to treat a financial subject in the hot spirit of political question, they only gave occasion to doubt their motives, and throw discredit on their public feeling. Who could believe that a noble Lord (King) would ever have stirred this question, if he had not written a book? (*Hear!*) This was an expeditious mode of converting neutrals into party men; and we should have Bullionists, and Anti-Bullionists, without number, and without toleration. There were not a few of those authors, who would now perhaps have been better pleased if they had let writing alone for a while. But to return to the question, the credit of the country was not shaken. Gold had flown to other countries, and this was only an additional proof of the vigour of our credit. Where the credit of the country is feeble, there gold must be, for nothing but gold will be trusted; but where there is no fear, paper will naturally supersede gold, and suffer it to fly off to countries where there is more doubt, and where paper is worth nothing. (*Hear!*) Yet with this medium, which was so disgraced, we had the means of doing great things still; we had even with our paper sustained great emergencies, undertaken great works, and were still equal to struggle with any thing that could be thrown in the grasp of our national strength. Away, then, with idle speculations. We must not hazard the cause of Europe—No, the cause of the civilized world, that was entrusted to our care—on schemes and suspicions: suspicions which might be unfounded, and

schemes which wee probably impracticable. (*Hear! hear! hear!*).

Sir F. Burdett could not agree with the idea, that the present Bill would have any good effect. The Bank could not be restrained by any intelligible principle from making extravagant issues of paper, while the Government called for them, while their profit conspired with the call, and while they were secured from paying their debts. It would be impossible to keep gold in the country; and the most unlucky results must follow from the present system. It was absurd to suppose, that that could stand for value which had no value, and that there was any good in the promise without the ability to pay. The Bill was more aimed at De Yonge's practice, than at Lord King's principles, and it must be nugatory. The argument, that a tenant ought not to be forced to pay in a way different from other debtors, was a very fair one; but the evil of the Bill was, that it went to interfere with private property. Lord King had been hardly treated; his fortune was not made by sinecures or public plunder; and yet this Bill went to deprive him of the management of it. He regretted that the Directors of the Bank had not their whole fortunes embarked in it, as they would then be more cautious of their proceedings. As it was, the Bank was merely a state machine, and the greater part of its present difficulties arose from its subserviency to Government. A strong objection to the measure was, that it was temporary Ministers ought to stay, and the House ought still to debate, late as the session was, and look the danger in the face, till they had discovered some adequate mode of repelling it.

Mr. A. Baring observed, that if the Bank Directors were to regulate their conduct by the most sordid regard to self-interest, they could not promote such views by causing a depreciation of the currency, which would be ruin to the public credit. The honourable Baronet (Sir Francis Burdett) had admitted, that the Bank Directors had but a small direct interest in the profits of the Bank, but asserted that they had a considerable quantity of money at their disposal; which gave them a great interest in the continuance of the restriction. It might not be easy to divest the honourable Baronet of a suspicion of power vested in any hands; but until some abuse of it should be shewn, he trusted that the House, as long as the present state of society

continued, would not go along with the honourable Baronet in his suspicions. If the honourable Baronet had any charges of abuse to make against the Bank, it would be more manly and more candid in him to bring them forward than to throw out insinuations. Those who depended wholly on business, or had their properties engaged in trade, would be ruined by the destruction of the currency; whereas the landholders would still have a property intrinsically valuable. He concurred with the Member for Yorkshire, that this measure was recommended to him as a remedy for a serious evil; at the same time, that he admitted, that it would remove only the symptoms, leaving the real disease uncured. The honourable Member for Yorkshire had stated the real remedy to be a reduction of paper, and a consequent restriction of expenditure: the reverse appeared to him to be the proper remedy; first a reduction of expenditure, and then a reduction of paper. The vital question now was, whether the paper currency had any connexion with the state of the finances of the country. An honourable and learned gentleman, who spoke on the first reading of this Bill, said that it had not: and if he could shew that, for himself he was ready to say, that he should admit this Bill to be unnecessary, and agree with the Bullion Committee. The honourable and learned Member had also stated, that if the stock-holder were to have his property in the funds reduced one third, he would suffer no injury; and he would agree with the honourable gentleman, if the possessors of every other species of property in the country were to be subjected to a similar sacrifice: but every thing violent was to be avoided. He trusted gentlemen would consider the subject during the recess, and come prepared for the discussion when Parliament would have to decide, next session, what shall be hereafter the state of the currency. He could see no ground of despondency. He thought the state of the finances of the country recoverable by the equalisation of the revenue with the expenditure. If the public should be persuaded of the necessity of such a measure, he was sure they would submit to any sacrifice. The funding system was calculated for short wars; and even the enemy had said, that it was essentially pacific. There was no symptom of distress in the country. We had been now eighteen years at war; it was impossible to say what may be in store for us; but the future historian would, perhaps, represent the last twenty

years as the greatest blessings enjoyed by this country. He was of opinion that bank-notes should be made a legal tender. An honourable friend of his (Mr. Manning) who held a higher situation in the Bank, differed from him. Perhaps, the honourable Baronet, who was so suspicious, might think this difference a trick or a juggle to impose upon the public. If made a legal tender, the issues should be limited, and not left to the will or discretion of any set of men. The effect of this measure would be to leave men's minds in doubt, if it were not understood that next session bank-notes should be made a legal tender. The exchanges and the price of gold had undergone a favourable alteration of five or six per cent. since the discussions upon this subject. After several other pertinent observations, the honourable gentleman concluded by giving his hearty support to the Bill.

Sir Samuel Romilly, though he had not taken any part in the discussion upon this Bill, would be sorry to let it pass without stating the grounds of his vote. He had expected that some honourable gentleman of the profession to which he belonged, and especially those connected with the Government, would have delivered their sentiments upon this Bill; which, unless he mistook it egregiously, was a Bill which those of his profession were more bound to attend to than any other which could be brought under consideration. It was a Bill to alter the state of existing contracts, to affect by an *ex post facto* law contracts already entered into. The hope expressed by an honourable Member (Mr. Bankes,) that some gentleman of the legal profession would explain what the state of the law was at present, had, he was sorry to say, been disappointed. What was most to be deplored, was, that this measure would leave men's minds in doubt upon the subject. He had heard with astonishment, owing perhaps to the prejudices of his legal education, that the discretion of the courts of justice would afford a remedy: he had heard, with considerable surprise, a noble Lord (Castlereagh) assert, in a former debate upon this Bill, that if many persons were inclined to follow the example of Lord King, the law would be strong enough to put them down; that the courts of law had energy enough to arrest the mischief. His astonishment was the greater when he coupled such declarations with what had been stated in other places. It was most beneficial to point out to Parliament the defects

of any law, with a view to its correction: but nothing could be more mischievous, than that the subordinate Courts should resort to new modes of proceeding to correct the defects of the law. It was extremely desirable to know what the law was, and how it would operate in many cases—to ascertain what the evil was, and what the remedy to be applied to it. He should not go into the financial, but meant to confine himself to the legal part of the question. The law, as it now stood, exempted the debtor from arrest upon mesne process, and wisely; and it was his opinion, that the arrest upon such process should be abolished altogether, although upon that question he should not then enter. But if the creditor established his debt by civil suit, he could now compel the debtor to pay in gold, and in failure of such payment arrest him and commit him to prison; and he should be glad to know what energy of a Judge, or what force of law, could prevent him from so doing; or from keeping his debtor in gaol during the remainder of his life, unless released by an Insolvent Act. There was no remedy, except that which was unquestionably a severe one, to allow the debtor to procure the gold at any price to obtain his release. He was sure his right honourable friend (the Chancellor of the Exchequer) would not deny that to be the state of the law; and he would contend, that to be consistent, his right honourable friend ought to propose that bank-notes should be made a legal tender; and not content himself with holding out *in terrorem*, that hereafter they should be made a legal tender. The law went only to prevent distress upon tender of bank-notes: but the landlord would not resort to distress, but to action on covenant or ejectment, if he wished to compel his tenants to pay him in gold; because if he should levy distress, it would be sold, not by the Sheriff, but by the landlord's bailiff; and if sold for less than its value, the landlord would be liable to an action for excessive distress. The honourable and learned Member instanced several cases in which it would be injurious not to leave the landlord an option: particularly one, where a landholder demised an estate for twenty-one years, with a covenant, giving the tenant an option to purchase the estate for 2,000*l.* at any time before the termination of the demise. The tenant made the option to purchase in the last year of the demise; and was that, he would ask, a case in which it would be proper to compel the proprietor to accept the 2,000*l.* in

bank-notes? Was the equity of such a provision clear in in such a case? It had been said of him with respect to some bills which he had formerly brought forward, that he was attempting to make innovations in the law without having taken the opinion of the Judges upon the subject; but he would ask, whether it could be more necessary to take the opinions of the Judges upon any bill, than on this, which would create a wide difference between contracts entered into and contracts executed? He was of opinion that some distinction ought to be made between contracts entered into thirty years since, and last year. But this Bill placed them all on the same footing. If the law was to be altered at all, it ought to be altered upon large and comprehensive principles, calculated to meet all the cases which might be affected by the change. A temporary law, which only threw the question into doubt and uncertainty, ought not to be resorted to. He threw this out for information, but was not prepared to support such a Bill. He thought that this Bill had been taken up precipitately by Ministers, and that a great deal of party had been suffered to mix with it. He would ask his right honourable friend (the Chancellor of the Exchequer) whether his principal motive for taking up the Bill was not to afford ground for the invectives which had been thrown out against Lord King, and other distinguished individuals who had defended his conduct? If not, he should wish his right honourable friend to explain whether this Bill would be effectual to its object, when the landlord would still be left in possession of so many other more effectual remedies.

Lord Castlereagh had used the word energy in the speech alluded to by the honourable and learned gentleman, but not in the manner stated by that honourable and learned Member. What he had said was, that if this measure should not prove effectual to remedy the evil it was intended to meet, he trusted that Parliament would have energy enough to take other measures to protect the debtor from oppression; that neither his person nor his property should be pursued for non-payment in gold during the Bank restriction. He had taken precisely the same view as the honourable and learned gentleman on the subject. It was his opinion at first, that the example of Lord King would not be followed, and that it would be better to trust to a moral restraint than a legal control. But when that noble

Lord had made an infraction upon that moral control, he was persuaded, that it became the duty of Parliament to interfere. He had never stated, that any thing was to be left to the discretion or energy of the Judges, whose duty he well knew it was to be guided by the dry and technical constitution of the law; he hoped therefore, that the honourable and learned gentleman would do him the justice to believe that he had not fallen into such an absurdity as he had imputed to him.

Mr. Sheridan explained.

Mr. Tierney had expected, after the legal discussion of the question by his honourable and learned friend (Sir Samuel Romilly) that the honourable gentleman opposite (the Attorney-General) would have favoured the House with his sentiments upon the subject. (*A cry of Question, question.*) Did honourable gentlemen suppose, that if the Attorney-General would not speak, he was not to deliver his sentiments? He could assure the House, that he would speak; and if any honourable Member were disinclined to hear him, and had an engagement out of the House, he begged he would take that opportunity of attending to it. Though he had it in contemplation to take an enlarged view of the state of the finances of the country, yet when he considered the lateness of the hour (*half-past twelve*), and unwillingness of the House to attend to a protracted discussion, he was induced to abstain from taking that course, and should trespass but shortly upon the time of the House. Indeed, he might have abstained from speaking at all under these circumstances, if it had not been for the very extraordinary speech of his right honourable friend (Mr. Sheridan). It was with regret he found himself obliged to differ from even the hon. gentlemen opposite, but it was particularly painful for him to differ from a right honourable friend, with whom he was generally in the habit of concurring. Not a word of the speech of his right honourable friend, who, no doubt, had taken the course that appeared to him right, applied to any part of the Bill but that which related to distress, and that clause formed no part of the original Bill. The Bill was in the first instance intended to meet the case of Wright and De Yonge, but had since been taken up as a party question. His right honourable friend, he was sure, had no such object, though he must, no doubt, have his reasons, which he had not avowed. His right honourable friend had said, that the object of this Bill

was to prevent a practice which was intended to force the Bank to pay in cash. It was matter of surprise to him to find himself opposed upon such a question by his right honourable friend, whose memory, if it did not accurately serve him for the recollection of distant transactions, might extend to more recent circumstances. In the Bullion Committee no person was a more strenuous supporter of the principle, that the Bank should resume cash-payments at the end of two years, than his right honourable friend; (*I never opened my lips on the subject*, observed Mr. Sheridan, in a low tone.) He was ready to admit, as whispered by his right honourable friend, that he had not spoken in the Committee; but he had always voted with those who who maintained that principle, and often without hearing their arguments. His right honourable friend had adverted to the failure of his own prophecies to shew that no peremptory conviction was to be entertained upon such subjects; and his right honourable friend had laid claim to having laid the foundation of those financial resolutions, which had afterwards been taken up by himself (Mr. Tierney), and Earl Grey and Lord Lauderdale. The resolutions of his right hon. friend, however, were not such as those which had been afterwards brought forward. His prophecies, however, had failed on the occasion to which he was alluding. The question was, as to the amount of the peace-establishment the country could bear; whether seventeen millions, as his right honourable friend contended, or fifteen millions and a half, as Mr. Pitt asserted, would be sufficient. The first year there was a surplus of a million; still his right honourable friend was not convinced. A growing surplus was still produced every year till 1792, which was allowed on all hands to be the period of the greatest financial difficulty; still his right honourable friend, though failing in all his successive prophecies, maintained to the last, with an ability and force which excited his admiration, as every thing that came from his right honourable friend never failed to do, that he was right. He was hot surprised, then, that he found the opinion of his right honourable friend had undergone a change, no doubt from motives which were satisfactory to his own mind. He would ask, whether this was the period to say that the country was in a state of unexampled prosperity, when the trade of the country was at a stand, and the revenue was actually failing? The produce of the con-

solidated fund for the last quarter was less than in the corresponding quarter of the last year, and in the three last quarters 1,800,000*l.* less than in the three preceding quarters. There was a day, when his right honourable friend, aware of that circumstance, would not say, that the country was in a state of unexampled prosperity. He agreed that luxuries had increased, but that was owing to an unnatural cause. He had thought that his right honourable friend would have fought with him against the Bank, of which he had now become the advocate. He remembered when the Bank stated its readiness to pay in cash, that his right honourable friend contended, that they had never any serious intention of doing so, as they knew, "that Brag was a good dog, but Hold-fast was better." He knew it was thought of him, that he was rather harsh towards the Bank. The duty of the Bank was to watch over public credit; but the moment they interfered with measures of Government, or extended their care to public prosperity, they violated that duty. He had never said that the Bank should return to cash-payments now, and had even voted against the Resolution that they should do so at the end of two years. He wished the House had come to a resolution that the restriction should continue during the public necessity, but that the Bank should act as if no restriction had taken place. He did not suspect the Bank Directors of being corrupt, or actuated by any but honest motives: but he believed they had an inclination to something that did not belong to them, because they had not officially taken this measure into consideration. By this conduct they had brought themselves into a situation, to say the least of it, which did them no credit. There was something abhorrent in the idea of making compulsory paper a legal tender; and paper, too, not belonging to the Government. He agreed that there were no grounds for despair—he looked upon the resources of the country, if by proper measures drawn out, as sufficient to relieve the public embarrassments; but these resources could not be drawn out without considerable privations. He had no apprehension while the heart and core of public credit was sound, and therefore he was afraid of this Bill. It was the most foolish, silly, and wasteful piece of paper he had ever known give rise to so much discussion in Parliament. But it was not this Bill, but the enunciation of the measures it was to lead to, that gave rise to the discussion. He admitted he was a party-man, but

he was sure his right honourable friend would allow that he did not oppose this measure as a party-man. The clause of distress he should agree to it, if in a distinct Bill. The other two clauses he could not agree to; the first was negatory whilst Ireland was open as a market for guineas; and the other was unjust, if it would, in the event of a farther depreciation, prevent persons from taking advantage of the provisions of the law to protect their property. If bank-notes were to be made a legal tender, that ought to be done at once. If there was no depreciation, there was a tendency, at least, to prefer guineas to bank-notes. He would have agreed to any inquiry into the causes which had brought the country into its present situation. When it was stated that any change of the present system would render us unable to continue our exertions in the prosecution of the war in which we were engaged, he should say, that, as much as any man, he wished success to the glorious cause in which Spain and Portugal were struggling: but if the prosecution of our efforts were to endanger public credit here, much as he should lament that the affairs of the Peninsula should be left in a disastrous situation, his first duty was due to England. The Treasurer of the Navy had said, that Buonaparté was at war with our finances, and therefore this Bill should be passed: but nothing could more elate the hopes of Buonaparté than such a measure as this. If any honourable Member thought that *this* Bill would support public credit, he was right in voting for it; but he could not think that a measure brought forward by an unconnected Peer of the other House, and hastily taken up by Ministers, would, if passed into a law, leave things in perfect security. At all events, he did not think the confidence of the public could be secured, whilst aware that their finances were in the hands of a Minister who had not resolution to take the necessary measures for sustaining public credit.

Mr. Sheridan rose to explain; and from the pointed manner in which he had been alluded to by his right hon. friend who had just sit down, he trusted he should meet the indulgence of the House if he should transgress the bounds of strict explanation. Whatever he should say of that description would be in reply to a part of the speech of his right honourable friend, in which he had imputed to him unavowed motives for his conduct, and for which he would have been justified in calling him to order. [Here Mr.

Tierney rose, and denied most solemnly that he had imputed to his right honourable friend any improper motives, and declared his conviction that his right honourable friend had no motives for his conduct which he need be ashamed to avow.]—Mr. Sheridan proceeded. His right honourable friend had, at least, assumed, that he had motives which he had not avowed, and, though he did not consider them improper, had in a very sarcastic manner adverted to them. Now he had no hesitation in avowing the motives by which he was actuated to be—an honest and conscientious sense of duty, and a thorough conviction that the course he was pursuing was the best calculated to promote the interest of the public. But when his right honourable friend thought proper to charge him with inconsistency in not voting with him, he could see no right he had to make such a charge; for certainly his right honourable friend was not the pattern he should be disposed for adherence to political connexions. His right honourable friend had misrepresented every part of his speech; and without any want of respect to the Speaker, he could not help wishing that the House was in Committee, when he would confute every word of the right honourable gentleman's speech. His right honourable friend had said that he had quoted his own Resolutions against Mr. Pitt as a reason why gentlemen should not entertain any peremptory conviction upon this subject. The right honourable gentleman in that had quoted him rightly; but he was mistaken when he stated that all his prophecies had failed. In point of fact he had always contended that he was right, and that Mr. Pitt was wrong; and when at last that was proved, he had dropped the business, and not handed it over to his right honourable friend. He had again to regret that they were not in Committee—a circumstance which he was sure his right honourable friend was glad of, as he should in that case have the opportunity of replying fully to all his statements. His right honourable friend had stated him to have been the most strenuous advocate in the Bullion Committee for the resumption of cash payments at the end of two years, because he had voted on that side and without hearing some of the right honourable gentleman's speeches; perhaps that was the reason why he had so voted. He should only add, that Buonaparté was more merciful to us than the right honourable gentleman, for he allowed us ten years before we should be ruined.

A division then took place, when there appeared—

For the third reading - - - -	95
Against it - - - - - -	20
Majority - -	75

The Bill was then read a third time, and passed.

On our return to the gallery we found *Mr. Brougham* addressing the House on the subject of the Resolutions of which he had given notice, and which he wished should record his opinions on the Bill that had now passed. After all that he had heard that night, it was not his intention to raise a farther debate at that late hour. There was one point, however, to which he must allude, and that was to the tone in which an honourable friend of his had spoken of what he had formerly said respecting the conduct of the Bank Directors, and the distrust which Parliament ought to entertain towards the conduct of that great corporation. He would contend, that it was the peculiar duty of the House of Commons, as guardians of the rights of the people, to distrust power wherever it was lodged; and, above all, where they saw power supported by, and mutually supporting, monopoly. In such a case he saw as much ground for watchfulness and jealousy as any constitutional man could wish. The high tone of total disinterestedness which the Bank Directors had assumed in the course of these discussions, really appeared to him as little warranted as any thing he had ever heard. One honourable gentleman had told the House, that he could have no personal interest, because he was only a proprietor to the extent of 2,000*l*. But was it not the fact, that the stock of every Bank Proprietor had been doubled in value by the system pursued for the last fourteen years; and if their issues of paper were henceforward to be without any stint or limit, was it too much to say, that every Bank Proprietor would derive very considerable emolument from these issues? But above all, those gentlemen who were Bank Directors possessed a power, which to them, as commercial men, must be of incalculable benefit—that of being able to accommodate themselves and their friends with discounts. These were things which made him distrust the increase of that unlimited control which the Bank would now have over the circulation of the country, and prevented him from readily listening to those claims of complete disinterestedness which

some gentlemen were so forward to make. He should not, however, any longer occupy the time of the House, but should propose the first of his series of Resolutions. This Resolution, which the honourable gentleman then read, declared it to be by law and the Constitution, as it now stood, the just and undoubted right of every British subject to sell or dispose of his property for its value, and that every man, possessed of a bank-note, or any *other* security, might give it away for nothing, (*a laugh*,) or sell it for any thing he pleased.

Lord Folkestone seconded the Resolution.

Mr. Baring felt himself called upon, by the insinuation thrown out against him by the honourable gentleman, to declare, that he never complained of any vigilance being exercised with regard to the conduct of the Bank Directors; but he had complained of that disposition which some gentlemen had exhibited to pass censure upon them without grounds, and to ascribe to them interested motives without any due foundation. As to the high tone which the hon. gentleman had charged him with assuming, he really must appeal to the House with what justice and propriety that charge could come from the honourable gentleman, (*Hear!*) and how far it was applicable.

The Chancellor of the Exchequer rose to move the previous question on this first Resolution. Undoubtedly there was nothing in the Bill which had just passed, that could abridge the right of any man to give away bank-notes for nothing, if he pleased. It did not require any formal Resolution to tell us this. But though some gentlemen had argued as if bank-notes were really worth nothing, yet he believed it would not be found that their disposition had increased, or was indeed very strong, to give them away for nothing. (*A laugh.*)—The Resolution was then put, and negatived.

Mr. Brougham rose to propose his second Resolution. The right honourable gentleman had thought fit to resort to witticism, instead of argument. The truth was, however, that the Bill now passed actually says, you shall not give a bank-note for less than it purports to be worth; and under such circumstances, it would be well for those who gave them for nothing, to see first to what penalties they might be exposed under this new Act.—He proposed his second Resolution, which went to declare, "that any restraint on the liberty of acting, as laid down in the former,

would be an infraction of the Constitution and of the rights of every individual."

The Chancellor of the Exchequer would only observe, that a bank-note given away for a charitable object, could hardly be said to be given for nothing. As to the honourable gentleman's complaint of the use of ridicule, there were really some assertions which could not be met in any other way; and according to an observation of Swift, there was nothing more common than for a man who said any thing ridiculous, to complain with violence that others were laughing at him. Serious argument, however, was not always inconsistent with jest; nor was a joke always inconsistent with a serious topic.

Mr. Brougham perfectly agreed in the observation; and therefore, he could not help indulging a laugh when he heard the right honourable gentleman lately talking of the Bill as likely to induce the turnpike-men, and other collectors of small change, to bring out their silver in exchange for bank-notes, which would thus, according to him, bring abundance of silver into circulation. Mr. Brougham then severally proposed four additional Resolutions, which were put and negatived.

Adjourned till Tuesday.

HOUSE OF LORDS.

MONDAY, JULY 22.

GUINEAS AND BANK-NOTES.

The amendments made on this Bill in the Commons were agreed to, *nem. diss.*

On the question being put by the Lord Chancellor, that a message be sent to the Commons, informing them that their Lordships had agreed to the amendments,

The Earl of Lauderdale rose, and at considerable length expressed his disapprobation of the Bill. He commented on the circumstances which had attended the bringing in of the Bill, which was at first objected to by the Secretary of State, as perfectly unnecessary and novel in its principles and provisions. The cause of his noble friend's (Earl Stanhope), presenting the Bill, (the notice of Lord King) was stated; but it had no effect on Ministers, who said that Lord King's conduct would never be imitated. On a sudden, however,

on the second reading, they supported it. Was it from the conduct of Lord King, or the decision of the Judges of the land, which declared that to be the law which Ministers thought was not so, that their support of the Bill originated? He then entered into a discussion of the relative value of gold and bank-notes as a medium of circulation, contending that bank-notes had no real value whatever, but that their current value had a reference to the coin which they purported to pay on demand. Gold had always been the medium, and on that principle the agriculture and commerce of the country had flourished for a century past, and not upon any whimsical abstract notions of currency, such as had been conjured up at the present day. He reviewed the dreadful consequences that had occurred in other countries by an over-issue of paper, and making it a legal tender. The conduct of the Bank, he admitted to have been most useful and honourable up to the period of the restriction, and for some years afterwards: but he strongly censured their conduct of late years, especially in the gross excess of issues since the year 1810, an excess which amounted to no less than fourteen millions. This could not be vindicated by any arguments drawn from an increase of mercantile transactions; since every thing he could learn, from a very general acquaintance, informed him, that the diminution of commercial transactions had never been so great as during that period. An extension of commercial transactions could not, had it really happened, justify the excessive issues; since the extension of such dealings would only increase the extension of credit, and not demand an over-issue of the bank paper. The Bill tended only to increase those very difficulties which it proposed to remedy. It was in every respect incompetent to accomplish its professed objects; since, though it took away the force of one mode of recovery from the landlord, it did not deprive him of his ultimate powers. It must lead to the making paper a legal tender. He could not conceive how his noble friend had got it into his head, that gold was a medium fit for the days of barbarism; though he was afraid, that no reasonings of his could drive that erroneous notion out of the head of his noble friend. He contended that the medium ought to be something of a definite and steady nature, and for that purpose, the precious metals were eminently calculated, as the best of opinions, all experience, particularly that of our own, had fully proved. Lord King, he asserted, had not, in the view he had taken

of the whole matter, acted with injustice. As to a remedy for the present evil, which, he thought seriously, placed the country in a state of difficulty it had perhaps never known, he thought it required the united assistance and advice of Parliament, and every man who loved his country. Thus much appeared certain, that it was necessary to retrace our extravagant steps, and retrench our expenditure. His Lordship concluded, after a full review of all the circumstances connected with this question, by giving his decided disapprobation to the Bill.

The Earl of Liverpool would not trespass on their time in such a stage of the Bill; but after what had fallen, could not remain silent. When the Bill was brought in, Ministers certainly thought it unnecessary, reprobating, as they did, the conduct of a noble Lord, who might on views of his own private interest (and that was the best way of considering the subject, as he would enter into the motives of no man,) have acted consistently. But when they heard of other instances, and still more, when they heard how the question was debated, and the conduct of that noble Lord defended, they felt it their duty to forward a measure, which he had originally declared would be the best remedy if necessity should call for any on the subject. As to gold as a medium, it had met with the general consent of mankind; but it was not the gold, as such, that made it *sterling* coin. It was the sovereign act of a state that made *it so;* that sovereign act could have used copper, (which had been done in some places) or even leather, for the same purpose. He certainly preferred a gold currency, with a convenient paper circulation, as one which experience had sanctioned. Still the case of gold did not apply so strongly to internal circulation, which was the main question before them. He denied that there could be any depreciation of notes, when they could purchase as much corn or land, or any other article, as guineas would. Gold was now higher in price, because it was scarce: that scarcity arose from the state of the war, which affected the course of exchange and the balance of trade, and required large sums to be sent for the maintenance of large armies, and to support foreign expeditions, while at the same time it gave the temptation to export it contrary to law. Gold, as gold, was therefore dearer, but as sterling legal coin, sanctioned by the state, was worth no more than it was before. He should not argue whether the restrictions of 1797 were right or wrong. He believed them to have

been right; but were his opinion otherwise, it would make no practical difference, since the present state of things grew out of that system, which could not be abandoned in the present state of things, and an adherence to which, whether originally right or wrong, was the best practical mode of overcoming those difficulties which we felt, or those greater difficulties which we might apprehend. He defended the issues of the Bank, on the principle of their general convenience. He admitted that we had suffered considerably in foreign commerce, but asserted that any person who looked at the vast schemes of internal improvements daily making, in agricultural and other pursuits, must be convinced of our great interior prosperity. There never was a measure that had received more general approbation throughout the country than the present; and the greatest benefits had been derived from the discussions on the subject to which it had given rise. He entertained no doubt that it would, in its consequences, in a very great measure prove a safe and an effectual remedy. Those who defended the conduct of a noble Lord, seemed to have no disposition to follow that conduct themselves. Why did they not do so? Because they were convinced that they were no sufferers by what was improperly called the depreciation of the bank-notes! On every principle, in a full view of our affairs, he considered the present Bill as one which merited the sanction of Parliament, and possessed the approbation of the public at large.

The Earl of Lauderdale explained. If the Secretary of State's line of argument had the effect of forcing persons to follow the conduct alluded to, it would have a much wider effect that way, than any thing the noble Lord expected in the other way from passing the Bill.

Earl Stanhope rose to say a few words on what had been applied to him. His noble Friend (Lord King) had most right to complain of his friends, for it was they who *shirked* the noble Lord, instead of following the example they defended. His noble friend (Earl of Lauderdale) had called the Bill a legislative hint: but it was a pretty broad hint too. He did not know whether his noble friend had been educated at any of the Universities: but, he believed, not at Oxford. There was a story there about a broad hint, which they called "*John Keale's broad hint.*" There was a man that *John Keale* did not like; but he would come to him. *John* gave him a *hint* that he did not like his company;

but he would not go away. "What did you do, then?" says one to *John*. "Do," says *John Keale*, "why, I kicked him down stairs. That was *a pretty broad hint* !!!" (*Laughing*.) So he (Earl Stanhope) had given Lord King a hint; and if he followed up this business, why, when next session came, he would give him a *broad* hint! (*A laugh*.) His object was, that a landlord should not take fifty pounds from his tenant, and pay his coach-maker only forty. Lord King paid his tenant bank-notes the day before he sent him a notice to pay him gold. (*Hear*!) "Aye," said Lord Stanhope, "you may call *hear*! but I know all about it!" He did not mean to say, that, according to Lord King's conceptions on this subject, he did not act as to him seemed correct and just. He could easily explain all that; but that was no reason why great mischiefs should fall on the tenantry, and on all the country. (*Hear*!) He then defended his principles respecting coinage, and adverted to a noble Earl's definition, that the medium should be of gold of a certain quantity, weight, and fineness; and that for that purpose, it should be gold, as a fixed, definite, steady measure. Now, that was not at all the case. Gold did not answer to the definition, because, by the fluctuation of its price, according to the varying circumstances of war and peace, the course of exchange, balance of trade, and so forth, it expanded or contracted its value, and therefore was falsely considered as a certain medium. Though it had been so considered for ages past, that formed no sufficient argument for suffering its evident inconveniences in times of a peculiar nature. He would, therefore, repeat, that the notion of gold, nothing but gold, was a notion of days border-on barbarism, and only fit for *Hottentots* to believe. (*Hear*!) It was the law that made gold the medium, and nothing else. For the purposes of interior circulation and commerce, it could not be necessary.—After various arguments and illustrations of his opinions, (in which he complimented the Earl of Ross, and quoted a passage from a *lawyer*, who was doing more good than all the *lawyers* put together, by publishing a work, in which he was shewing the public what laws were *in force*, and what were *not* so, which all the lawyers taken together could not easily tell,) he declared it to be his opinion, that his Bill was a mere palliative, or a remedy to keep things safe till next session. It even did some mischief, as gold was getting dearer than it was. He wanted no credit for the Bill, but what it deserved;

but its advantages were much greater than its disadvantages. Something must be done in a permanent way next session; and with a view to that, he had brought to them, not this one *bantling*, but fourteen other *bantlings*, for their Lordships' consideration, in order to have a proper view of the whole of the concern.

The Lord Chancellor said, that he should now put the question, if he understood it. He believed it to be this, that they should send a message to the Commons, saying, that their Lordships had agreed to their amendments; but he could hardly be sure that it was so, after two hours and a half of most solemn discussion on such a question.

The question was then put, and carried *nem. diss.*

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, JULY 24.

ROYAL COMMISSION.

The Lord Chancellor having acquainted the House that he had received two Commissions from his royal highness the Prince Regent, acting in the name and on the behalf of his Majesty, one for giving the Royal Assent to such Acts as had passed the two Houses of Parliament, and the other for the prorogation of Parliament,

Their Lordships adjourned to robe. On their return, the Archbishop of Canterbury, the Lord Chancellor, Earl Camden, the Earl of Westmoreland, and the Earl of Aylesford, took their seats on the woolsack; when a message was sent to the Commons desiring their attendance.

At half-past three, *the Speaker*, accompanied by about thirty of the Members of the Commons, and the officers of that House, appeared at the bar, when the Commission for giving the Royal Assent to the Bills was read, and the Royal Assent given, in the usual form, to the Gold Coin and Bank-notes Bill, and the British and Irish Militia Interchange Bill.

The Lord Chancellor then informed the Commons, that the Prince Regent, acting in the name and on the behalf of his Majesty, had issued a Commission for Proroguing the Parliament.

His Lordship then read the Speech of the Prince Regent, in the name and on the behalf of the King; which was as follows:—

MY LORDS, AND GENTLEMEN,

His royal highness the Prince Regent, acting in the name and on the behalf of his Majesty, has commanded us to signify to you the satisfaction with which he finds himself enabled to relieve you from your attendance in Parliament, after the long and laborious duties of the session. We are particularly directed to express his approbation of the wisdom and firmness which you have manifested in enabling his Royal Highness to continue the exertions of this country in the cause of our Allies, and to prosecute the war with increased activity and vigour.

Your determined perseverance in a system of liberal aid to the brave and loyal nations of the Peninsula has progressively augmented their means and spirit of resistance; while the humane attention which you have paid to the sufferings of the inhabitants of Portugal, under the unexampled cruelty of the enemy, has confirmed the alliance by new ties of affection, and cannot fail to inspire additional zeal and animation in the maintenance of the common cause.

His Royal Highness especially commands us to declare his cordial concurrence in the measure which you have adopted for improving the internal security and military resources of the United Kingdom.

For these important purposes you have wisely provided, by establishing a system for the annual supply of the regular army, and for the interchange of the militias of Great Britain and Ireland; and his Royal Highness has the satisfaction of informing you, that the voluntary zeal which has already been manifested upon this occasion has enabled him to give immediate operation to an arrangement by

which the union and mutual interests of Great Britain and Ireland may be more effectually cemented and improved.

GENTLEMEN OF THE HOUSE OF COMMONS,

His Royal Highness commands us to thank you, in the name and on behalf of his Majesty, for the liberal supplies which you have furnished for every branch of the public service.

His Royal Highness has seen with pleasure the readiness with which you have applied the separate means of Great Britain to the financial relief of Ireland at the present moment; and derives much satisfaction from perceiving that you have been able to accomplish this object with so little additional burthen upon the resources of this part of the United Kingdom. The manner in which you have taken into consideration the condition of the Irish Revenue has met with his Royal Highness's approbation; and his Royal Highness commands us to add, that he looks with confidence to the advantage which may be derived from the attention of Parliament having been given to this important subject.

MY LORDS AND GENTLEMEN,

His Royal Highness commands us to congratulate you upon the reduction of the island of Mauritius. This last and most important colony of France has been obtained with inconsiderable loss, and its acquisition must materially contribute to the security of the British commerce and possessions in that quarter of the world.

The successes which have crowned his Majesty's arms during the present campaign, under the distinguished command of Lieutenant-General Lord Viscount Wellington, are most important to the interests, and glorious to the character, of the country. His Royal Highness warmly participates in all the sentiments which have been excited

by those successes, and concurs in the just applause which you have bestowed upon the skill, prudence, and intrepidity so conspicuously displayed in obtaining them.

It affords the greatest satisfaction to his Royal Highness to reflect, that; should it please Divine Providence to restore his Majesty to the ardent prayers and wishes of his Royal Highness and of his Majesty's people, his Royal Highness will be enabled to lay before his Majesty, in the history of these great achievements of the British arms throughout a series of systematic operations, so satisfactory a proof that the national interests and the glory of the British name have been successfully maintained, while his Royal Highness has conducted the government of the United Kingdom.

Then a Commission for proroguing the Parliament was read, after which the Lord Chancellor said,—

MY LORDS AND GENTLEMEN;

By virtue of the Commission under the Great Seal, to us and other Lords directed, and now read, we do, in obedience to the commands of his royal highness the Prince Regent, in the name and on behalf of his Majesty, prorogue this Parliament to Thursday the twenty-second day of August next, to be then here holden; and this Parliament is accordingly prorogued to Thursday the twenty-second day of August next.

HOUSE OF COMMONS.

WEDNESDAY, JULY 24.

At a quarter before four, the Deputy-Usher of the Black rod came to the bar, and summoned the House to appear in the House of Lords to hear the Prince Regent's speech to both Houses for the prorogation of Parliament, by Commissioners named for that purpose.

The Speaker and the Members present proceeded accordingly to the Lords; and on their return the Speaker read, at the table, the speech which had been delivered by the Lord Chancellor.

Adjourned.

FINIS.

J. Brettell, Printer,
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